



# 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

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**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:
  - 1<sup>st</sup> Reading
  - 2<sup>nd</sup> 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](mailto:councilmtgitems@smgov.net).

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**SMOKING IS PROHIBITED IN CITY HALL (SMMC 4.44.030)**



## AGENDAS

CITY OF SANTA MONICA

REGULAR AND SPECIAL JOINT MEETING

CITY HALL COUNCIL CHAMBERS

1685 MAIN STREET, ROOM 213

TUESDAY AUGUST 8, 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. Real Property Negotiations: for property located at 3026 Airport Avenue  
City Negotiators: Nelson Hernandez and Stelios Makrides  
Under Negotiation: lease term and price**
- 1.B. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Vahebi v. City of Santa Monica, et al., Los Angeles Superior Court Case Number BC 565 118**
- 1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Vargas Arguenta v. City of Santa Monica, Los Angeles Superior Court Case Number BC 613 269**
- 1.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Alcorta (Ushuaia Restaurant), et al. v. City of Santa Monica, Los Angeles Superior Court Case Number BC 608 510**
- 1.E. Conference with Legal Counsel – Potential Litigation: Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9 (d)(4): 1238 10th Street LLC**
- 1.F. Conference with Labor Negotiator-City Negotiator: Donna C. Peter, Director of Human Resources-Bargaining Units: California Teamsters Local 911 (Teamsters), Fire Executive Management Association (FEMA), and SMART-TD**

- 1.G. **Conference with Legal Counsel – Existing Litigation: Litigation has been initiated formally pursuant to Government Code Section 54659.(d)(1): Airbnb, Inc. and Homeaway.com, Inc. v. City of Santa Monica, United States District Court, Central District of California, Western Division, Case Numbers 2:16-cv-6645, 2:16-cv-6641**
- 1.H. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Atwood v. City of Santa Monica et al, United States District Court, Central District of California, Western Division, Case Numbers 2:16-cv-04114-PA-AGR**
- 1.I. **Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 case**

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

2. SPECIAL AGENDA ITEMS

**2.A. Public Safety Radio Communications**

3. CONSENT CALENDAR

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

**3.A. Award Contract Energy Efficiency Package Bid (Parks, Lots, Structures)**

**Recommended Action**

Staff recommends that the City Council:

- 1. Authorize the City Manager to enter into an On-Bill Financing agreement with Southern California Edison (SCE) and to execute all necessary documents to accept the On-Bill Financing loan and rebates;
- 2. Award Bid #4265 to Siemens Industry, Inc., a Texas-based company, to implement energy efficiency measures at various City parks, parking lots, and parking structures;
- 3. Authorize the City Manager to negotiate and execute a contract with Siemens Industry, Inc. in an amount not to exceed \$1,208,639 (including a \$157,649 contingency); and
- 4. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

**3.B. Award Contracts for Sewer Lateral Connection Lining and Repairs**

**Recommended Action**

Staff recommends that the City Council:

- 1. Award Bid #4287 to Robotic Sewer Solutions, Inc., a California-based company; and Southwest Pipeline and Trenchless Corporation, a California-based company, for sewer lateral connection lining and repairs;
- 2. Authorize the City Manager to negotiate and execute an agreement with

Robotic Sewer Solutions, Inc., for a total amount not to exceed \$300,000 over a three-year period, with future year funding contingent on Council budget approval.

3. Authorize the City Manager to negotiate and execute an agreement with Southwest Pipeline and Trenchless Corporation, for a total amount not to exceed \$300,000 over a three-year period including a 6% increase in year 3, with future funding contingent on Council budget approval.

### **3.C. Award Bid for the Purchase of Calsense Smart Irrigation Controllers**

#### **Recommended Action**

Staff recommends that the City Council:

1. Award Bid #4277 to SiteOne Landscape Supply, a Georgia-based company for the purchase of 24 Calsense smart irrigation controllers, including component parts;
2. Authorize the Purchasing Services Manager to issue a purchase order with SiteOne Landscape Supply for the purchase of 24 Calsense smart irrigation controllers in the amount not to exceed \$193,163 (including a 10% contingency) for one year, with two additional one-year renewal options for the purchase of additional controllers for a total amount not to exceed \$493,197, with future year funding contingent on Council budget approval.

### **3.D. Street Light Assessment District Results of July 25th Public Hearing and Adoption of Resolutions to Certify Results**

#### **Recommended Action**

Staff recommends that the City Council:

1. Accept the attached certified results as tabulated by the City Clerk for each of the following street light assessment district elections, in conformance with Proposition 218, authorized by State law under the Municipal Improvement Act of 1911:
  - a. District "A" – 10<sup>th</sup> Street between Carlyle Avenue and Marguerita Avenue.
  - b. District "B" – 25<sup>th</sup> Street between Idaho Avenue and Washington Avenue.
  - c. District "C" – 27<sup>th</sup> Street between Pico Boulevard and Pearl Street.
2. Approve the formation of an assessment for the following districts based upon the results of the elections in conformance with Proposition 218:
  - a. District "A" - 10th Street between Carlyle Avenue and Marguerita Avenue; and
  - b. District "B" - 25<sup>th</sup> Street between Idaho Avenue and Washington Avenue;
3. Adopt the resolution(s) to assess property owners for the costs of streetlight improvements, and issue payment plans for unpaid assessments in conformance with Proposition 218 for the following districts:
  - a. District "A" - 10th Street between Carlyle Avenue and Marguerita Avenue; and
  - b. District "B" - 25<sup>th</sup> Street between Idaho Avenue and Washington Avenue.

### **3.E. Airport Runway Shortening Design Build Agreement with Guaranteed Maximum Price (GMP)**

#### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Design-Build Amendment to Feasibility Professional Services Agreement 10436 (CCS) with AECOM or a Restated Design-Build Agreement with AECOM, a California-based company, to shorten the runway at Santa Monica Municipal Airport for a Guaranteed Maximum Price (GMP) not to exceed \$3,517,320 (includes a 15% contingency);
2. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.
3. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

### **3.F. Recreation Management Software System**

#### **Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute an agreement with The Active Network Inc., a Texas based company, to continue to provide a web-based, hosted, recreation management software system. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and (d) and is for a total amount not to exceed \$50,000 (for one year, with 2 additional 1 year renewal options in the amount of \$100,000, on the same terms and conditions) for a total amount not to exceed \$150,000 over a 3-year period with future year funding contingent on Council budget approval.

### **3.G. NextBus Real Time Information Agreement Modification**

#### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a modification to contractual services agreement #4058 with NextBus, Inc., a California-based company, in the amount of \$29,988 for an additional year of service, with two one-year options to renew, with a five percent increase in years two and three, for a total not to exceed \$94,537 over a three-year period;
2. Authorize the City Manager to procure from NextBus, Inc. the service to extract BBB's real-time transit data in the XML feed format in order to make real-time data available to a broader number of transit travel app developers at a one-time cost of \$5,000 and an annual data and support fee of \$4,824 data, for a total of \$9,824 for one year, with two one-year options to renew that include a five percent increase on the recurring portion of the cost, for a total not to exceed \$20,208. This would result in a three-year amended agreement with a new total amount not to exceed \$268,865, with future year funding contingent on Council budget approval.

### **3.H. Santa Monica Minimum Wage Education and Outreach Services**

### **Recommended Action**

Staff recommends that the City Council authorize the City Manager to:

- 1) Negotiate and execute a first modification to agreement #3191 with Koreatown Immigrant Workers Alliance, a California-based company, for employee outreach and education services, in the amount of \$20,000 for one year, with two additional one-year renewal options to extend on the same terms and conditions. This will result in a four-year amended agreement with a new total amount not to exceed \$92,400, with future-year funding contingent on Council budget approval.
- 2) Negotiate and execute a first modification to agreement #3187 with Restaurant Opportunities Center - Los Angeles, a California-based company, for employee outreach and education services, in the amount of \$20,000 for one year, with two additional one-year renewal options to extend on the same terms and conditions. This will result in a four-year amended agreement with a new total amount not to exceed \$85,000, with future-year funding contingent on Council budget approval.
- 3) Negotiate and execute a first modification to agreement #3190 with Lee Andrews Group, a California-based company, for business outreach and education services, in the amount of \$30,000 for one year, with two additional one-year renewal options to extend on the same terms and conditions. This will result in a four-year amended agreement with a new total amount not to exceed \$130,000, with future-year funding contingent on Council budget approval.

#### **3.I. Commercial fitness instruction, classes or camps at Reed Park**

Staff recommends that City Council adopt a resolution to revise the schedule of fees for commercial fitness instruction, classes, or camps in order to implement a waiver of the annual use charge for activities taking place exclusively at Reed Park.

#### **3.J. Modification of Homeless Multidisciplinary Street Team Contract**

### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to accept a grant award in the amount of \$300,000 from Los Angeles County Board of Supervisors District 3 for the operation of the Homeless Multidisciplinary Street Team (HMST), and to accept all grant renewals.
2. Authorize the City Manager to execute all necessary documents to accept the grant and all grant renewals.
3. Authorize the budget changes as outlined in the Financial Impacts & Budget Actions section of this report.
4. Authorize the City Manager to execute a second modification to agreement #10291 (CCS) in the amount of \$1.05 million with Ocean Park Community Center (OPCC), a California-based company, for the operation of the Homeless Multidisciplinary Street Team. This will result in a 3 year amended agreement with a new total amount not to exceed \$1.65 million, with future year funding contingent upon Council budget approval.
5. Authorize the City Manager to negotiate and execute a Software Licensing

and Professional Services Agreement with Akido Labs, a California based company, for the development of data governance polices, user licenses, creation and maintenance of data sharing platform for first responders. The recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080 (d) and is for a term of four years with one three-year option to renew for a total amount not to exceed \$85,000 with future year funding contingent on Council budget approval.

6. Authorize the City Manager to enter into a Memorandum of Understanding with the University of Southern California (USC) and the Milken Institute to pursue solutions to homelessness.
7. Authorize the City Manager to negotiate and execute a Professional Services Agreement with RAND Corporation, a California-based company, for an assessment of the HMST at no cost.

### **3.K. Affordable Housing Production Program Fee Resolutions**

#### **Recommended Action**

Staff recommends that the City Council:

1. Adopt the attached Resolution increasing by 5.0 percent the Affordable Housing Unit Base Fee for new market-rate apartments and condominiums (Attachment A).
2. Adopt the attached Resolution increasing by 5.0 percent the Affordable Housing Unit Development Cost (Attachment B).

### **3.L. Approval of Proposed Lease with the Santa Monica Museum of Flying**

#### **Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a lease agreement with the Santa Monica Museum of Flying for 3100 Airport Avenue for a period of 10 years for \$1 per year, with one-additional five-year renewal option on the same terms and conditions.

### **3.M. Santa Monica Airport Leasing and Licensing Policy**

#### **Recommended Action**

Staff recommends that the City Council:

1. Approve the attached Santa Monica Airport Leasing and Licensing Policy for the leasehold and license management of properties at the Santa Monica Airport (Airport or SMO).
2. Authorize the City Manager to negotiate and execute leases at the Santa Monica Airport in accordance with this Policy.

### **3.N. Resolution Authorizing the City Manager to Execute Memoranda of Understanding with the Administrative Team Associates (ATA), Municipal Employees Association (MEA), the Public Attorneys Union (PAU), the Santa Monica Firefighters Local 1109 IAFF, Supervisory Team Association (STA), the Management Team Associates (MTA), and Confidential Unrepresented Employees (CUE) pay plan.**

#### **Recommended Action**



Staff recommends that the City Council:

1. Adopt the attached Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the City of Santa Monica and the Administrative Team Associates (ATA), Municipal Employees Association (MEA), the Public Attorneys Union (PAU), the Santa Monica Firefighters Local 1109 IAFF, Supervisory Team Association (STA), the Management Team Associates (MTA), and the Confidential Unrepresented Employees (CUE) pay plan.
2. Approve the attached revised salary schedule effective as a result of the agreement reached for the classifications represented by the Administrative Team Associates (ATA), Municipal Employees Association (MEA), the Public Attorneys Union (PAU), the Santa Monica Firefighters Local 1109 IAFF, Supervisory Team Association (STA), the Management Team Associates (MTA), and the Confidential Unrepresented Employees (CUE) pay plan.

**3.O. Memorandum of Understanding with University of California Regents for Emergency Stroke Transport Services**

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a Memorandum of Understanding with the Regents of the University of California, on behalf of the UCLA Health System and the David Geffen School of Medicine at UCLA, Department of Neurology, a California based public research university, for Emergency Stroke Transport Services.

**3.P. City Council - Regular and Special Joint Meeting - Jun 27, 2017 5:30 PM**

**3.Q. City Council - Special Meeting - Jul 10, 2017 5:30 PM**

**4. STUDY SESSION**

**No items**

**5. CONTINUED ITEMS**

**No items**

**6. ADMINISTRATIVE PROCEEDINGS**

- 6.A. Appeal 14APP008 of the Planning Commission's denial of Design Compatibility Permit 13DCP011 to allow for the construction of a new two-story 4-unit apartment building at 3004 Broadway. - *Withdrawn at the request of the Applicant***

**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 Santa Monica Municipal Code Sections 1.09.090, 6.16.030, 8.08.040 and 10.04.04.040 Relating to the Conduct of Administrative Hearings**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance relating to the conduct of administrative hearings.

**7.B. Ordinance Amending the Zoning Ordinance (Chapters 9.01 Through 9.52 of Article 9 Of The Santa Monica Municipal Code) To Ensure Consistency with the Goals and Policies of the Downtown Community Plan and Incorporate by Reference Certain Design Standards in Chapter 4 of the Downtown Community Plan**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

**7.C. Ordinance Amending Santa Monica Municipal Code Section 9.53.130 to Ensure Consistency with the Goals and Policies of the Downtown Community Plan by Modifying the City's Transportation Demand Management Ordinance to Establish a Transportation Allowance of 100% Within the Downtown Community Plan Area**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

**7.D. Ordinance Amending Santa Monica Municipal Code Section 8.08.060 to Ensure Consistency with the Goals and Policies of the Downtown Community Plan By Extending the Expiration Date For Certain Building Permit Applications**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

**8. STAFF ADMINISTRATIVE ITEMS**

**8.A. City Services Building Guaranteed Maximum Price for Construction Services and Award for Construction Management Services - *To be heard with Item 9-A***

**Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a Guaranteed Maximum Price (GMP) second amendment to Design-Build Contract No. 10051 (CCS) for construction services with Hathaway Dinwiddie Construction Company, a California-based company, in the amount of \$61,843,526 (includes 2.4% contingency) for a new total amount not to exceed \$70,600,507 for the City Services Building Project (CSB);
2. Award RFP #SP2250 to GKK Works, a California-based company, to provide construction management services for the City Services Building Project;
3. Authorize the City Manager to negotiate and execute an agreement with GKK Works in an amount not to exceed \$887,920 (includes 10% contingency);

4. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority; and
5. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

## 9. PUBLIC HEARINGS

### **SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PUBLIC FINANCING AUTHORITY**

### **ROLL CALL**

#### **9.A. Public Hearing and Issuance of Lease Revenue Bonds, Series 2017 - *To be heard with Item 8-A***

##### **Recommended Action**

Staff recommends that the City Council:

1. Hold a public hearing, receive public comment, and adopt the attached Resolution Authorizing Issuance of Series 2017 Bonds (Attachment A), and approve the related documents required for the Issuance of Lease Revenue Bonds, Series 2017 (Attachments C, D, E, F, G, and H).

Staff recommends that the Public Financing Authority:

1. Hold a public hearing, receive public comment, and adopt the attached Resolution Authorizing Issuance of Series 2017 Bonds (Attachment B), and approve the related documents required for the Issuance of Lease Revenue Bonds, Series 2017 (Attachments C, D, E, F, G, and H).

### **ADJOURNMENT**

## 10. REPORTS OF BOARDS AND COMMISSIONS

**No items**

## 11. RESOLUTIONS

#### **11.A. Resolution for California Department of Resources Recycling and Recovery (CalRecycle) Grants**

##### **Recommended Action**

Staff recommends that the City Council:

1. Adopt the attached resolution authorizing the application for grant funds from the California Department of Resources Recycling and Recovery (CalRecycle) to reduce, recycle and reuse solid waste generated in the state.
2. Authorize the City Manager to execute all necessary documents to apply for the grant, accept the grant, if awarded, and accept all grant renewals, if awarded.

## 12. WRITTEN COMMUNICATIONS OTHER THAN REPORTS OF COMMISSION AND OFFICERS

No items

13. COUNCILMEMBER DISCUSSION ITEMS

- 13.A. Recommendation to accept William Selby's resignation from the Task Force on the Environment and authorize the City Clerk to publish the vacancy**
- 13.B. Mayor Winterer. Mayor Pro Tem Davis and Councilmember McKeown request that the Council direct staff to explore tools to encourage housing production on the commercial boulevards and the Bergamot area and disincentivize 100% commercial projects in the same districts.**
- 13.C. Request of Councilmember McKeown that the Council encourage staff to re-evaluate traditional public information media retention practices, particularly for archives of public meetings and hearings, in light of evolving technology capabilities and transparency policies.**

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](http://www.smgov.net/council/agendas).

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