



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

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

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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:
 - 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.

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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 OCTOBER 24, 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): 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.B. **Conference with Legal Counsel – Anticipated Litigation – Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 case**
- 1.C. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Allen v. City of Santa Monica, et al. – Central District Court Case Number CV 11-10139**
- 1.D. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Los Angeles County Metropolitan Transit Authority consolidated with Bloxton v. City of Santa Monica, Los Angeles Superior Court Case Number BC 599 677 - *New item received.***
- 1.E. **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 - *New item received.***

- 1.F. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Kate Scott and James Babinski v. City Council of the City of Santa Monica, U.S. District Court Case No. 17-7329 - *New item received.***

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. **City Manager’s Report: Presentation from Climate Corps on the 2017 Climate Corps Program**
- 2.B. **Recognition of Assistant City Attorney Joe Lawrence**

3. CONSENT CALENDAR

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

- 3.A. **Award Contract for Charnock Well Field Operations, Maintenance and Management Services RFP**

Recommended Action

Staff recommends that the City Council:

1. Award RFP #131 to Grace Environmental Services, a California-based company, for Charnock Well Field operations, maintenance and management services for the production and treatment of potable water;
2. Authorize the City Manager to negotiate and execute a contract with Grace Environmental Services, for a total amount not to exceed \$2,000,000 over a five-year period, with future year funding contingent on Council budget approval.

- 3.B. **Historic Property Preservation Agreements (Mills Act Contracts) between the City of Santa Monica and the property owners of designated City Landmarks located at 401 Ocean Avenue, 927 Ocean Avenue, 909-911 Montana Avenue, and 2433 28th Street.**

Recommended Action

Staff recommends that the City Council adopt the attached resolutions authorizing the City Manager to negotiate and execute Historic Property Preservation Agreements (Mills Act Contracts) between the City of Santa Monica and the property owners of designated City Landmarks located at 401 Ocean Avenue, 927 Ocean Avenue, 909-911 Montana Avenue, and 2433 28th Street.

- 3.C. **Design of Guardrail and Waterproofing Upgrades in Downtown Parking Structures 1-5**

Recommended Action

Staff recommends that the City Council:

1. Award RFP #SP2516 to Walter P. Moore Corporation, a Texas-based company, for design services for Downtown Parking Structure Guardrail and Waterproofing Upgrades;
2. Authorize the City Manager to negotiate and execute an agreement with Walter P. Moore Corporation, in an amount not to exceed \$243,100 (including a 10% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

3.D. Global Positioning System (GPS) Software Application and Airtime

Recommended Action

Staff recommends that the City Council authorize the Purchasing Services Manager to issue a purchase order with GPS Insight, LLC, an Arizona-based company, for vehicle location tracking for the Resource, Recovery & Recycling Division, in the amount not to exceed \$50,000 for one year, with 2-additional 1-year renewal options on the same terms and conditions. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(d) and is for a total amount not to exceed \$150,000. This will result in a new three-year service agreement, with future year funding contingent on Council budget approval.

3.E. Third Modification of Software License and Hardware Purchase Agreement for Big Blue Bus Fleet Maintenance Software

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a third modification to contract #9508 (CCS) in the amount of \$277,853 with Trapeze, Inc., a Canadian corporation, to obtain additional software maintenance services for up to 3 more years. This will result in a new total amount not to exceed \$1,109,980, with future year funding contingent on Council budget approval.

3.F. Professional Services Agreement Modification with Carollo Engineers for Marine Park Irrigation Retrofit Project

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a third modification to agreement #9902 in the amount of \$30,130 with Carollo Engineers, a California-based company, for Engineering Services During Construction (ESDC). This will result in a three-year amended professional services agreement with a new total amount not to exceed \$291,462, with future year funding contingent on Council budget approval.
2. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

3.G. First Modification to Professional Services Agreement for Cost Allocation Plan and User Fee/Cost of Services Study

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #9993 in the amount of \$26,300 with MGT of America, Inc., a Florida-based company, to prepare cost allocation plan updates for an additional two years and six months, through June 30, 2020. This will result in a five-year and six-month amended agreement with a new total amount not to exceed \$128,400, with future year funding contingent on Council budget approval.

3.H. First Modification to Professional Services Agreement with Public Resources Advisory Group for Financial Advisory Services

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #9676 with Public Resources Advisory Group (PRAG), a California-based company, for financial advisory services. This modification will extend the agreement's term by two years (and result in a seven-year amended agreement); all other terms and conditions, including the total not to exceed amount of \$250,000, will remain the same.

3.I. Resolution Authorizing the City Manager to execute Memoranda of Understanding with Fire Executive Management Association (FEMA) and California Teamsters Local 911

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 Fire Executive Management Association (FEMA) and California Teamsters Local 911.
2. Approve the attached revised salary schedule effective as a result of the agreement reached for the classifications represented by Fire Executive Management Association (FEMA) and California Teamsters Local 911.

3.J. Award Contract for Police Department Scheduling Software

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 124 to Informer Systems, Inc. a California-based company for cloud-based scheduling software.
2. Authorize the City Manager to negotiate and execute an agreement with Informer Systems, Inc. in an amount not to exceed \$77,031 for 1 year, with 4 additional 1-year renewal options in the amount of \$60,000 on the same terms and conditions for a total amount not to exceed \$317,031 over a 5-year period with future year funding contingent on Council budget approval.

3.K. First Modification to Agreement with Orrick, Herrington & Sutcliffe LLP for Legal Services

Recommended Action

The City Attorney's Office recommends that the City Council authorize the City Manager to execute a first modification to Agreement # 9812 (CCS) with Orrick, Herrington & Sutcliffe LLP ("Orrick"), for legal services relating to three of the City's planned financing projects. This modification will extend the agreement's term by two years (and result in a seven-year amended agreement); all other terms and conditions, including the total not to exceed amount of \$250,000 will remain the same.

3.L. City Council - Regular Meeting - Sep 26, 2017 5:30 PM - *New item received.*

3.M. City Council - Special Meeting - Oct 10, 2017 4:30 PM - *New item received.*

3.N. City Council - Regular Meeting - Oct 10, 2017 5:30 PM - *New item received.*

4. STUDY SESSION

4.A. Study Session regarding Labor Peace Agreements

Recommended Action

Staff recommends that Council review, consider, and provide direction regarding requiring labor-peace agreements in the City's leasing guidelines and policies for City-owned properties with food-service operations.

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. Second Reading and Adoption of Ordinance Setting Forth Regulations for Commercial Medicinal and Nonmedicinal Cannabis Uses

Recommended Action

Staff recommends that City Council adopt the attached Ordinance adding Section 6.200 to the Santa Monica Municipal Code and shall be known as the Santa Monica Cannabis Ordinance.

7.B. Second Reading and Adoption of Interim Ordinance Replacing the Term "Medical Marijuana Dispensary" with "Medicinal Cannabis Retailer" Throughout the City's Zoning Ordinance, Chapter 9.01 Through Chapter 9.52 of Article 9 of the Santa Monica Municipal Code; Creating a Definition for "Medicinal Cannabis Retailer" to Replace the Definition for "Medical Marijuana Dispensary" to Conform With State Law; Removing Certain Requirements for Medicinal Cannabis Retailers for Consistency with State Law and to Allow for Separate Regulation and Rulemaking; and Modifying the Definition of "Industry, Limited" to Allow for Medicinal Cannabis Light Manufacturing

Recommended Action

Staff recommends that City Council adopt the attached Ordinance amending Chapter 9.01 through Chapter 9.52 of Article 9 of the Santa Monica Municipal Code.

8. STAFF ADMINISTRATIVE ITEMS

. SPECIAL JOINT MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY, AND REDEVELOPMENT SUCCESSOR AGENCY

. ROLL CALL

8.A. FY 2016-17 Year-End Budget Changes; and FY 2017-18 Budget, Position and Compensation Changes

Recommended Action

Staff recommends that the City Council, Housing Authority and Successor Agency to the Santa Monica Redevelopment Agency:

1. Approve changes to the FY 2016-17 Revised Budget as detailed in Attachment A; and
2. Approve changes to the FY 2017-18 Adopted Budget and FY 2018-19 Budget Plan as detailed in Attachment B.

Staff also recommends that the City Council:

1. Review the City's year-end financial status;
2. Adopt a Resolution establishing classification and salary rates for various positions detailed in Attachment C;
3. Approve the position and classification changes detailed in Attachment D;
4. Adopt a Resolution incorporating a project funded by SB1: The Road Repair and Accountability Act detailed in Attachment E;
5. Direct staff to proceed with creating new engagement models, including pursuing regional partnerships, issuing a request for proposals, as needed, for street outreach teams, and refocusing existing resources to address homelessness; and
6. Authorize the City Manager to negotiate and execute a first modification to Services Agreement #10391 (CCS) in the amount of \$197,000 with Santa Monica Travel and Tourism, a California-based company, for a destination perception study.

. ADJOURNMENT

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 City Council consider removal of Board and Commission members who are not in compliance with Ethics Training.**
- 13.B. Request of Councilmember McKeown, who represents Santa Monica and the Westside Cities Council of Governments on the Santa Monica Bay Restoration Commission, that the Council direct staff to ask the California Department of Fish and Wildlife for an extension on the public comment period for the Ballona Wetlands Restoration Project Draft Environmental Impact Report until March 1st, to allow participating agencies, advocacy groups, and members of the public sufficient time for meaningful input. - *New item received.***
- 13.C. Request of Councilmembers Vazquez, Himmelrich, and Mayor Winterer that the Council allocate up to \$7,500 of Discretionary Funds to the Santa Monica Arts Foundation to enable 200 Santa Monica High School students to attend the Los Angeles Theater Center's Encuentro de las Américas performances on November 11th and November 16th, 2017. The funds will cover the cost of the theater tickets, bus transportation and meals for the students.**

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

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