



# 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:
  - 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).

**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 AND SPECIAL JOINT MEETING

CITY HALL COUNCIL CHAMBERS

1685 MAIN STREET, ROOM 213

TUESDAY DECEMBER 12, 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, Case Nos. 16-cv-6645-ODW-AFM, 16-cv-6641-ODW-AFM**
- 1.B. 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, United States District Court, Central District of California, Case No. 17-cv-7329-PSG-FFM**
- 1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Barry Rosen v. United States of America, United States District Court, Central District of California, Case No. 17-cv-7727-PSG-JEM**
- 1.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): NBAA et al. v. Michael Huerta and Federal Aviation Administration, United States Court of Appeals, District of Columbia Circuit, Case No. 17-1054**
- 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 and Maria Loya v. City of Santa Monica, Los Angeles Superior Court, Case No. BC 616804**

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. Annual Reporting of Development Impact Fees**

**Recommended Action**

Staff recommends that the City Council review and accept the FY 2016-2017 Annual Reporting of Development Impact Fees per the Mitigation Fee Act (Government Code 66000-66025) and the FY 2016-17 Childcare Linkage Fee Report per SMMC Section 9.65.

**3.B. Construction Contract for the Beach Lifeguard Headquarters Facility Project**

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #SP2506 to Global Power Group, Inc., a California-based company, to provide construction services for the Beach Lifeguard Headquarters Project located on City-owned property.
2. Authorize the City Manager to negotiate and execute a contract with Global Power Group, Inc., in an amount not to exceed \$227,139 (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.C. Santa Monica Tourism Marketing District Annual Report**

**Recommended Action**

Staff recommends that the City Council receive and approve the Santa Monica Tourism Marketing District's Annual Report for 2017-18.

**3.D. Funding for Affordable Housing In Venice**

**Recommended Action**

Staff recommends that the City Council:

1. Approve the one-time use of Federal Community Development Block Grant funds not to exceed \$500,000 to rehabilitate 14 affordable apartments, located at 102 Navy Street in Venice, targeted to persons experiencing homelessness, including persons from the Santa Monica Homeless Service Registry; and
2. Authorize the City Manager to negotiate and execute any documents necessary to complete the transaction.

3. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report

### **3.E. Contract Approval for Design Services for Olympic Boulevard Sidewalk and Pedestrian Improvements**

#### **Recommended Action**

Staff recommends that the City Council:

1. Award RFP #134 to KOA Corporation, a California based company, to provide engineering and design services for the Olympic Boulevard Improvements Project.
2. Authorize the City Manager to negotiate and execute a professional services agreement with KOA Corporation in an amount not to exceed \$200,000 (including a 15% contingency).

### **3.F. Contract Modification for Parking Revenue and Access Control Equipment System: Credit Card Processing Payment Provider**

#### **Recommendation**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #4387 (CCS) in the amount of \$1,050,000 with Payment Express, a California based company for secure credit card gateway processing services of Parking Access and Revenue Control System (PARCS) credit card transactions. This recommended modification is made as an exception to the competitive bidding process pursuant to Section 2.24.080 (d). This will result in a 5-year agreement with two 1-year renewals a new estimated amount of \$1,070,000 with future year funding contingent on Council budget approval.

### **3.G. Second Modification to Software License Agreement for Polaris Integrated Library System**

#### **Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #9448 in an amount not to exceed \$549,000 with Innovative Interfaces, Inc., a California-based company, for annual software maintenance and support of the Polaris Integrated Library System. This would result in an eleven year amended agreement with a new total contract amount not to exceed \$949,000, with future year funding contingent on Council budget approval.

### **3.H. Conversion of Community Garden License Agreement to Permit System**

#### **Recommended Action**

Staff recommends that City Council adopt the attached resolution to allow the conversion of the Community Garden License Agreement to a permit system and authorize the Community and Cultural Services Director to amend and promulgate Community Garden Rules and Regulations as well as the Good Neighbor Policy.

### **3.I. City Council - Special Meeting - Dec 5, 2017 5:30 PM**

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY**

**Roll Call**

**3.J. Approval of minutes for the June 13, June 27 and October 24, 2017 Housing Authority meetings.**

**Recommended Action**

Staff recommends that Housing Authority approve the minutes for the June 13, June 27 and October 24, 2017 meetings.

**3.K. Housing Authority Proposed Revision to 2017 Administrative Plan**

**Recommended Action**

Staff recommends that the City Council approve the proposed revisions reflected in the draft 2017 Housing Authority Administrative Plan (Attachment A).

**Adjournment of Special Meeting**

**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. Second Reading and Adoption of Ordinance Approving the Development Agreement Between the City of Santa Monica, A Municipal Corporation, and NMS 1430 Lincoln, LLC**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance approving the Development Agreement between the City of Santa Monica, a municipal corporation, and NMS 1430 Lincoln, LLC.

**7.B. Second Reading and Adoption of Ordinance Approving the Development Agreement Between the City of Santa Monica, A Municipal Corporation, and NMS 1313 6th Street, LLC**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance approving the Development Agreement between the City of Santa Monica, a municipal corporation,

and NMS 1313 6th Street, LLC.

- 7.C. Second Reading and Adoption of Interim Zoning Ordinance Extending Interim Zoning Ordinance Number 2557 (CCS), Which Replaced 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; Created A Definition For "Medicinal Cannabis Retailer" to Replace the Definition for "Medical Marijuana Dispensary" to Conform with State Law; Removed Certain Requirements for Medicinal Cannabis Retailers for Consistency with State Law and to Allow for Separate Regulation and Rulemaking; and Modified the Definition of "Industry, Limited" to Allow for Medicinal Cannabis Light Manufacturing**

**Recommended Action**

Staff recommends that City Council adopt the attached Interim Zoning Ordinance extending Interim Zoning Ordinance Number 2557 (CCS), which replaced 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; created a definition for "Medicinal Cannabis Retailer" to replace the definition for "Medical Marijuana Dispensary" to conform with state law; removed certain requirements for Medicinal Cannabis Retailers for consistency with state law and to allow for separate regulation and rulemaking; and modified the definition of "Industry, Limited" to allow for medicinal cannabis light manufacturing.

- 7.D. Second Reading and Adoption of An Ordinance Adopting Changes, Corrections, and Clarifications to the City's Zoning Ordinance, Chapters 9.01 Through Chapter 9.52 of Article 9 of the Santa Monica Municipal Code**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

- 7.E. Second Reading and Adoption of Ordinance Establishing Community Choice Aggregation Through the Los Angeles Community Choice Energy (LACCE) Joint Powers Authority Pursuant to the Public Utilities Code**

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance establishing Community Choice aggregation through the Los Angeles Community Choice Energy (LACCE) Joint Powers Authority pursuant to the public utilities code.

**8. STAFF ADMINISTRATIVE ITEMS**

- 8.A. Twilight Concert Series and Pier Corporation Budget, Work Plan, and Bylaws**

**Recommended Action**

Staff recommends that the City Council:

1. Provide direction regarding the Twilight Concert Series (TCS),
2. Approve the Santa Monica Pier Corporation FY 2017-18 Budget and Work Plan, and,

3. Approve modifications to the Santa Monica Pier Corporation Bylaws.

**8.B. Contract Award for the Parks & Recreation Master Plan Update and Status of Potential Parks Funding Measure**

**Recommended Action**

Staff recommends that the City Council:

1. Award Request for Proposals (RFP) #130 to MIG Inc., a California based company, for the development of Santa Monica's Parks & Recreation Master Plan (PRMP) update;
2. Authorize the City Manager to negotiate and execute an agreement with MIG Inc. in an amount not to exceed \$488,706, including 10% contingency over a two year period; and
3. Review results from polling completed in August 2017 for a potential parks funding measure, and provide direction to staff to focus on completing the PRMP update and pause on the potential parks bond measure until the City is in a better position to move forward.

**8.C. Proposed Transfer of Mountain View Mobile Home Park**

**Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to execute disposition and loan agreements with the Caritas Corporation, a California-based, 501(c)(3) nonprofit corporation, to become owner and operator of the City-owned Mountain View Mobile Home Park, consistent with the terms provided in Attachment A; and
2. Authorize the City Manager to execute an easement agreement with the Caritas Corporation that allows Mountain View Mobile Home Park to encroach upon Gandara Park for as long as Mountain View Mobile Home Park remains subject to an affordability covenant.

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. Year-End Annual Appointments to the Following Boards & Commissions:**

<b>Board/Commission</b>	<b>No. of Appts.</b>	<b>Term Ending</b>
<b>Clean Beaches &amp; Ocean Parcel Tax Citizens Oversight Committee</b>	2	12/31/2019
<b>L.A. County West Vector Control District</b>	1	12/31/2019 12/31/2021 (At the discretion of the Council)
<b>Santa Monica Pier Corporation</b>	4	12/31/2021

**13.B. Request of Mayor Winterer and Councilmember McKeown that Council direct staff to explore a possible 2018 ballot measure that would protect against development exceeding the adopted General Plan or Zoning Code limits on height or Floor Area Ratio, by requiring super-majority Council approval, or by other means, and return to Council with options.**

**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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