



# City of Santa Monica

## City Council Meeting

### AGENDA

KEVIN MCKEOWN  
MAYOR

GLEAM DAVIS  
COUNCILMEMBER

TED WINTERER  
COUNCILMEMBER

SUE HIMMELRICH  
COUNCILMEMBER

ANA MARIA JARA  
COUNCILMEMBER

GREG MORENA  
COUNCILMEMBER

TERRY O'DAY  
MAYOR PRO TEM

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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## **RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS**

(Resolution No.11172 (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 City 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 City Councilmember for discussion. Public comment shall be heard prior to City 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. **Any electronic presentation materials intended to be presented at a City Council meeting must be emailed to the City Clerk at [clerk@smgov.net](mailto:clerk@smgov.net) no later than 12 PM on the day of a City Council meeting.**

**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 or against the wall; 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 wish to comment on an item(s) listed on the agenda may submit written comments prior to the meeting by mailing them to: City Clerk, 1685 Main Street, Santa Monica, CA 90401 or to [councilmtgitems@smgov.net](mailto:councilmtgitems@smgov.net). Written comments received from the public by 12 PM on the day of the City Council meeting will be distributed to the City Council prior to the meeting and **posted online**.

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## AGENDAS

CITY OF SANTA MONICA

REGULAR MEETING

CITY HALL COUNCIL CHAMBERS

1685 MAIN STREET, ROOM 213

TUESDAY JANUARY 14, 2020

**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 - Anticipated Litigation - Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 2 cases**

**1.B. Conference with Labor Negotiator: Government Code Section 54957.6. Agency Designated Representatives: Lori Gentles, Chief People Officer-HR, Human Resources Manager Shawn Weiske, and Outside Counsel Laura Kalty, Bargaining Unit: Coalition of Santa Monica City Employees (CSMCE).**

**1.C. Conference with Legal Counsel - Existing Litigation - Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1):**

Rogelio Monroy v. City of Santa Monica, et al., Los Angeles Superior Court, Case No. 19STCV10640; Elizabeth Esquivias v. City of Santa Monica, et al., Los Angeles Superior Court, Case No. 19STCP03381; Jose Zaldivar v. City of Santa Monica, et al., Los Angeles Superior Court, Case No. 19STCP03458; ; John Doe #1, et al. v. Roe #1, et al., Los Angeles Superior Court, Case No. 19STCV34374; John CU Doe, et al. v. City of Santa Monica, et al., Los Angeles Superior Court, Case No. 19STCV02840.

**1.D. Conference with Legal Counsel - Anticipated Litigation - Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):  
Claims against City:**

Claim No. 18-629, claimant R.M.;  
Claim No. 18-684, claimant E.E.;  
Claim No. 19-019, claimant J.Z.;  
Claim No. 19-127, claimant John Doe 1;

Claim No. 19-128, claimant John Doe 2;  
Claim No. 19-129, claimant John Doe 3;  
Claim No. 19-130, claimant John Doe 4;  
Claim No. 19-131, claimant John Doe 5;  
Claim No. 19-132, claimant John Doe 6;  
Claim No. 19-146, claimant John Doe 7;  
Claim No. 19-156, claimant A.F.;  
Claim No. 19-157, claimant C.M.;  
Claim No. 19-158, claimant J.M.;  
Claim No. 19-159, claimant J.L.;  
Claim No. 19-258, claimant C.E.;  
Claim No. 19-435, claimant J.R.;  
Claim No. 19-518, claimant J.G.

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. Proclamation: 2020 Homeless Count Week**

## 3. CONSENT CALENDAR

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

### **3.A. Approval of Fourth Modification to Agreement with Downtown Santa Monica, Inc. (DTSM) for Park Ambassador Services**

#### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a fourth modification to Services Agreement #10402 (CCS) in the amount of \$206,640 with Downtown Santa Monica, Inc., a California -based company, to extend the Reed Park Pilot Ambassador program. This will result in a six-and-a-half-year agreement with a new total amount not to exceed \$5,252,439, with future year funding contingent on Council budget approval.
2. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

### **3.B. Approval of Agreement with Magellan Health Services for Administration of Employee Assistance Program**

#### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a professional services agreement, for the administration of an Employee Assistance Program (“EAP”), with Magellan Health Services of California, Inc. – Employer Services, a California corporation, in an amount not to exceed \$169,000.00 (including a 10% contingency) over a three-year period, with two one-year renewal options for \$56,000 (including a 10% contingency), with future year funding contingent on Council budget approval.

**3.C. Approval of Modification to MRI Software Contract for additional Software Support and Services for the Housing and Economic Development Department**

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #10786 in the amount of \$52,495 with MRI Software, LLC, a New York-based company, for additional software support and services for the Housing and Economic Development Department. This will result in a five-year amended agreement and a new total amount not to exceed \$320,328, with future-year funding contingent on Council budget approval.

**3.D. City Council - Regular and Special Joint Meeting - Feb 12, 2019 5:30 PM**

**3.E. City Council - Regular and Special Meeting - Dec 10, 2019 5:30 PM - Revised**

**3.F. City Council - Special Meeting - Dec 17, 2019 4:30 PM**

**3.G. City Council - Special Meeting - Jan 7, 2020 5:45 PM**

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. Introduction for First Reading of an Ordinance to Amend the Text of Santa Monica Municipal Code Section 9.07.030 to Clarify Parcel Coverage Limitations for Existing Structures with Additions in the R1 (Single-Unit Residential) District**

**Recommended Action**

Staff recommends that the City Council introduce for first reading an ordinance amending Santa Monica Municipal Code (SMMC) Section 9.07.030 to clarify the R1 parcel coverage limitations for existing structures with new additions.

**7.B. Introduction and First Reading of an Ordinance Relating to EV Charging Overstay Charge and Program Review**

**Recommended Action**

Staff recommends that the City Council:

1. Introduce for first reading the attached ordinance that: adds new Santa Monica Municipal Code Section 3.16.242 Violation—Parking non-charging vehicle in a space designated for use of a public electric vehicle charging station; amends Santa Monica Municipal Code Section 3.04.035 to permit overstay charges for off-street parking to be established by resolution and adjusted by the City Manager; and amends Santa Monica Municipal Code Section 3.16.170 to permit overstay charges for on-street parking to be established by resolution and adjusted by the City Manager;
2. Adopt the attached parking fine resolution to amend the schedule of civil penalties for parking violations to add the highlighted penalty for violation of new Santa Monica Municipal Code Section 3.16.242;
3. Adopt the attached parking rate resolution to introduce an automatic overstay charge of one dollar per minute for electric vehicles (EVs) that exceed posted time limits at smart EV charging stations;
4. Review and comment on the proposal to adopt a user fee;
5. Review and comment on the proposed recommendation to replace all City-owned non-networked charging stations with networked charging stations, and direct staff to proceed with procuring the necessary funding and contractual services; and
6. Review and comment on the proposed recommendations for the use of LCFS and other potential revenues for EV charging projects and programs.

## 8. STAFF ADMINISTRATIVE ITEMS

### **8.A. Authorize Guaranteed Maximum Price Third Amendment with Hathaway Dinwiddie for City Hall South Wing Construction**

#### **Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a Guaranteed Maximum Price (GMP) third amendment to Design Build agreement #10051 (CCS) in the amount of \$8,824,443 (including a 10% contingency) with Hathaway Dinwiddie Construction Company, a California-based company, for construction of the South Wing of City Hall. This will result in an amended agreement with a new total amount not to exceed \$79,424,950.
2. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

### **8.B. Adopt an Updated Evaluation Process for Council-Appointed Staff**

#### **Recommended Action**

Staff recommends that the City Council:

1. Adopt an updated and formalized process for conducting annual performance evaluations of the City Attorney, City Clerk, and City Manager as detailed in this report;
2. Authorize the City Manager to initiate an RFP process to engage a professional consulting firm to facilitate an updated and formalized performance evaluation process for the City Attorney, City Clerk, and City Manager; and

3. Consider forming a Council subcommittee and authorizing that subcommittee to oversee the RFP process, select the professional consulting firm, and direct the consulting firm's work once retained.

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. Appointment to one unscheduled vacancy on the Housing Commission for a term ending on 6/30/2021. Continued from December 17, 2019.**

**13.B. Year-End Appointments to Boards and Commissions for terms ending December 30, 2019. Continued from December 17, 2019.**

<b><u>Board/Commission</u></b>	<b><u># of Vacancies</u></b>	<b><u>Term Ending</u></b>	<b><u>Requirements</u></b>
Clean Beaches & Ocean Parcel Tax Citizens Oversight Committee	2	12/31/2021	Santa Monica resident
Metropolitan Water District	1	3/31/2022	-
Santa Monica Pier Corporation	3	3/31/2022	Reside, work, or do business in Santa Monica.

**13.C. Request of Mayor Pro Tempore O'Day and Councilmember Winterer that the Council allocate \$30,000 of Council discretionary funds to Grades of Green to expand their Water and Waste Campaigns and offer their new Climate campaign to all interested student teams in the City of Santa Monica. The funds will also allow Grades of Green to continue working with the Sustainability Coordinator at SMMUSD, to develop an innovative district wide plan to engage students in every school in a Grades of Green Program and/or Campaign.**

**13.D. Request of Mayor McKeown and Councilmembers Davis and Winterer that the Council allocate \$17,000 of its discretionary funds to the Main Street Business Improvement Association, to offset costs for City-required staffing of police and fire officers and the closure of Main Street for the family-friendly June 2020 Soulstice community festival.**

**13.E. Request of Mayor McKeown and Councilmember Morena that the Council authorize up to \$10,000 from the already-budgeted Council contingency fund to provide free admission for Santa Monica residents to this year's Chamber of Commerce "State of the City" event.**

#### 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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