

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

SEPTEMBER 29, 2015

A special meeting of the Santa Monica City Council was called to order by Mayor McKeown at 5:32 p.m., on Tuesday, September 29, 2015, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Kevin McKeown
Mayor Pro Tem Tony Vazquez
Councilmember Gleam Davis
Councilmember Sue Himmelrich
Councilmember Pam O'Connor
Councilmember Terry O'Day (arrived at 5:36 p.m.)

Absent: Councilmember Ted Winterer

Also Present: City Manager Rick Cole
City Attorney Marsha Jones Moutrie
City Clerk Sarah P. Gorman

CONVENE/PLEDGE On order of the Mayor, the City Council convened at 5:32 p.m., with all members present excepting Councilmembers O'Day and Winterer. City Clerk Sarah Gorman led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS There was no one present for public comment on closed sessions.

Councilmember O'Day arrived at 5:36 p.m. On order of the Mayor, the City Council recessed at 5:35 p.m., to consider closed sessions and returned at 6:47 p.m., with Councilmember Winterer absent, to report the following:

1.A. Public Employee Evaluation. Title of Employee: City Clerk.

The City Attorney advised this matter was not heard.

1.B. Conference with Legal Counsel - Existing Litigation - Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): O'Dell, et al v. City of Santa Monica, et al, Los Angeles Superior Court Case Number BC 526 373

The City Attorney advised that this matter relates to a fatal motorcycle accident resulting from a collision with a Big Blue Bus. The City Attorney recommended Settlement No. 10912 (CCS) in the amount of \$1.1 million.

Motion by Councilmember Davis, seconded by Councilmember O'Day, to approve the settlement. The motion was approved by the following vote:

AYES: Councilmembers O'Connor, O'Day, Himmelrich, Davis,
Mayor Pro Tem Vazquez, Mayor McKeown
NOES: None
ABSENT: Councilmember Winterer

1.C. Conference with Legal Counsel - Existing Litigation - Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): Korolyov v. City of Santa Monica, Los Angeles Superior Court Case Number BC 522 762

The City Attorney advised this matter relates to a trip and fall on the sidewalk in which the plaintiff had permanent shoulder damage. Recommended settlement of \$25,000.

Motion by Councilmember Davis, seconded by Mayor Pro Tem Vazquez, to approve the Settlement No. 10193 (CCS). The motion was approved by the following vote:

AYES: Councilmembers Davis, Himmelrich, O'Day, O'Connor
Mayor Pro Tem Vazquez, Mayor McKeown
NOES: None
ABSENT: Councilmember Winterer

1.D. Conference with Real Property Negotiator. Property: 1241 Fifth Street. City Negotiators: Andy Agle, Director of Housing and Economic Dev. Under Negotiation: Terms of Affordability Covenant. Owner of Record: Alon Roma, LLC.

The City Attorney advised this matter was heard with no reportable action taken.

1.E. Conference with Legal Counsel - Existing Litigation - Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): United States of America, ex rel. Mark Baird, Justin Frith, Rick Larson and David Moran v. City of Santa Monica and Gerber Ambulance Co., United States District Court Case Number 11-cv-06632

The City Attorney advised this matter was heard with no reportable action taken.

CONSENT CALENDAR:

All items were considered and approved in one motion unless removed by a Councilmember for discussion.

Members of the public George Minardos, Denise Barton and People of California commented on various Consent Calendar items.

Motion by Councilmember Himmelrich, seconded by Councilmember O'Connor, to approve the Consent Calendar, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES: Councilmembers O'Connor, O'Day, Himmelrich, Davis, Mayor Pro Tem Vazquez, Mayor McKeown
- NOES: None
- ABSENT: Councilmember Winterer

MINUTES

3.A. Regular Meeting Minutes of Sep 8, 2015 City Council meeting, were approved.

JUSTICE ASSISTANCE GRANT

3.B. Accept Edward Byrne Memorial Justice Assistance Grant (JAG), was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to accept a grant awarded in the amount of \$26,806 from the U.S. Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant for a portable generator.
2. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

EXPO LINE BUS STOP

3.C. Professional Services Agreement for Expo Line Bus Stop Implementation Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# SP2409 to CivilSource, Inc., a California-based company, to provide survey, design, implementation, community outreach, and construction oversight services for the Expo Line Bus Stop Implementation project;
2. Authorize the City Manager to negotiate and execute professional services Agreement No. 10189 (CCS) with CivilSource, in an amount not to exceed \$516,600 (includes a 10% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

BBB FARE COLLECTION 3.D. BBB Fare Collection System Refurbishment, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute sole source contractual services Agreement No. 10190 (CCS) with SPX Genfare, an Illinois-based company, to refurbish the existing fare collection system. This is a two year contract in an amount not to exceed \$3,401,394 (including a \$150,000 contingency), with future year funding contingent on Council budget approval;
2. Authorize the City Manager to issue a Notice to Proceed to SPX Genfare to refurbish the existing fare collection system.
3. Authorize the Director of Transit Services to issue any necessary changes to complete additional work within contract authority.

**PARKING
MANAGEMENT**

3.E. Contractual Services Agreement for Parking Management Services, was withdrawn at the request of staff.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 34 to SP+ Municipal Services, a Tennessee-based company for operation and maintenance of the City's off-street parking facilities, and to provide ancillary parking related special event services;
2. Authorize the City Manager to negotiate and execute contractual service Agreement No. ___ (CCS) with SP+ Municipal Services, in an amount not to exceed \$26,500,000 for five years, with two additional one-year renewal option(s) in the amount of \$11,731,376, on the same terms and conditions for a total amount not to exceed \$38,231,376 over a seven year period, with future year funding contingent on Council budget approval.

**EMERGENCY SERVICES
GRANTS**

3.F. Designation of Representatives Authorized to Execute Grant Documents for Cal Office of Emergency Services and Federal Emergency Management Agency Grants, was approved.

Recommended Action

Staff recommends that the City Council:

- 1) Adopt attached Resolution No. 10914 (CCS) entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA DESIGNATING AUTHORIZED REPRESENTATIVES TO EXECUTE FOR AND ON BEHALF OF THE CITY OF SANTA MONICA WITH THE CALIFORNIA OFFICE OF EMERGENCY SERVICES AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY REGARDING GRANTS"; and
- 2) Approve the CalOES Form 130 provided by the California Office of Emergency Services.

**SANTA MONICA ARTS
FOUNDATION, INC.**

3.G. Recommendation to Approve the Amended and Restated Bylaws of the Santa Monica Arts Foundation, Inc., was approved.

Recommended Action

Staff recommends that the City Council approve the attached proposed “Amended and Restated Bylaws of the Santa Monica Arts Foundation, Inc.”

**BENEFITS
ADMINISTRATION**

3.H. Authorization to execute an agreement with Plan Source Benefits Administration, Inc., was approved.

Recommended Action

Staff recommends that City Council authorize the City Manager to execute two year professional services Agreement No. 10191 (CCS) with PlanSource Benefits Administration, Inc., a Florida-based company, to provide a benefits administration program, in an amount not to exceed \$150,000, with future year funding contingent on Council budget approval.

**ADMIN. PROCEEDINGS:
1415 OCEAN AVENUE**

6.A. Appeals 14APP-006 and 14APP-007 of the Planning Commission’s approval of Conditional Use Permit 13CUP-017 and Parking Variance 13VAR-012 to amend existing alcohol and parking variance permits for the Georgian Hotel located at 1415 Ocean Avenue, was presented.

Recommended Action

Staff recommends that the City Council:

- 1) deny appeal 14APP-006 which seeks modification of certain conditions of approval as requested by the applicant/appellant Georgian Hotel (“the Georgian”);
- 2) deny 14APP-007 submitted by the appellant Unite Here Local 11 (“Unite Here”);
- 3) uphold the Planning Commission’s approval of Conditional Use Permit 13-017 and Variance 13-012 based on the findings and revised conditions of approval contained in this staff report.

Councilmember Himmelrich was excused from Council Chambers at 6:48 p.m.

Councilmember Himmelrich stated on the record that she was recusing herself from consideration of the item because she was a member of the Planning Commission when the item was considered. She stepped out of Council Chambers at 6:48 p.m.

Applicant/Appellant Georgian Hotel representative Kevin Kozal made a presentation.

Appellant Unite Here representative Melanie Luthern made a presentation.

Members of the public Victoria Best, Andre Thibodeaux, and Denise Barton spoke in opposition to the staff recommendation.

Members of the public People of California and Carol Lemlein spoke in support of the staff recommendation.

Discussion ensued on topics including use of the side door for entrance/exit, parking requirements and transportation demand management program metrics.

Motion by Councilmember O'Day, seconded by Councilmember O'Connor, to approve the staff recommendation with the modification to remove the restriction of requiring food service after two drinks.

Motion to amend by Mayor Pro Tem Vazquez, to restrict use of the speakeasy to hotel guests, restrict use of the side door for emergency access only and to grant the parking variance to require 5 offsite spaces.

The amendment to restrict the use of the side door for emergency access only was friendly to the maker.

Motion to amend by Councilmember Davis, to have an affirmative finding that within the case of a historic property, like the Georgian, ensuring economic viability is key to maintaining the historic resource.

The motion to amend making the affirmative finding was friendly to the maker.

Councilmember O'Day restated the motion as follows: to approve the staff recommendation with the following modifications: 1. no entrance or exit from the side door except for emergency use; 2. no restriction of two drinks per guest; and 3. adding a finding that it is important for historic resources to be able to retain economic viability and adaptability. .

The motion was approved by the following vote:

AYES: Councilmembers O'Connor, O'Day, Davis
Mayor Pro Tem Vazquez, Mayor McKeown

NOES: None

ABSENT: Councilmembers Himmelrich, Winterer

ORDINANCES:
MINIMUM WAGE

*Councilmember Himmelrich
returned to Council*

7.A. Introduction for First Reading of an Ordinance Setting a Santa Monica Minimum Wage, was presented.

Recommended Action

Staff recommends that the City Council:

Chambers at 8:59 p.m.

- 1) Receive the attached report and community comment regarding a minimum wage increase in the City of Santa Monica;
- 2) Introduce for first reading the attached ordinance setting a minimum wage to be effective in the City of Santa Monica following the model of the City of Los Angeles, a phased approach to reach \$15 per hour by 2020 for most businesses;
- 3) Direct staff to return with future modifications as appropriate, including those reflecting potential future changes in the Los Angeles Ordinance; and
- 4) Direct staff to initiate research and outreach to consider matching the City of Los Angeles Hotel Worker Minimum Wage Ordinance.

Members of the public Hunter G. Hall, Jerry Rubin, Laurel Rosen, Jack de Nicola, Joseph Romero, Stephen Zwick, Vivian Rothstein, Jeremy Blasi, Gabrielle Roscoe, Abby Arnold, Jim Conn, Jackie Martin, Derek Smith, Jonah Breslau, Melanie Luthern, Elsa Mercado, Celia Talveras, Doris Romero, Jason Islas, Sion Roy, Janet McKeithen, Kathy Hoahg (donated time by Alexandra Weyman), Tia Koonse, Sophia Cheng (donated time by Daria Ovide), RoseMary Molina, Jose Cruz, Lucas Oppenheim, Abner Recinos, Alfredo Rodriguez, Tom Peters, Andrew Moss, Yoel Matute, Felicia Scott, Veronica Wilson, Francis Engler, People of California, Carl Hansen (donated time by Julia Ladd), Rick Stoff, Paul Rosenstein, Johnathan Foster (donated time by Richard Riedel), and Andrew Hoyer spoke generally in favor of the recommended action.

Members of the public Assaf Raz and Misti Kerns spoke generally in opposition to the recommended action.

Council gave staff direction to preserve worker collective bargaining rights; ensure service charges (as opposed to tips) go to workers, including back of the house workers; include the raise LA hotel wage model; and research and return with provisions regarding provision of sick days, perhaps up to 12 per year, transitional and time limited seasonal workers, and threshold/franchise issues, possibly echoing Los Angeles' ordinance, and enforcement, including varied enforcement models.

The staff direction was provided without objection from Councilmembers.

Motion by Mayor McKeown, seconded by Mayor Pro Tem Vazquez, to receive and file the information in the staff report, and have provided modifications to staff to complete in a timely fashion, with a return in December.

Motion to amend by Mayor McKeown to endorse the draft ordinance as opposed to receiving and filing the document. The motion to amend was friendly to the seconder.

The motion was approved by the following vote:

AYES: Councilmembers O'Connor, O'Day, Himmelrich, Davis,
Mayor Pro Tem Vazquez, Mayor McKeown

NOES: None

ABSENT: Councilmember Winterer

COUNCILMEMBER
DISCUSSION ITEMS:
COUNCIL
CORRESPONDENCE

13.A. Request by Councilmembers Himmelrich and Winterer that the Council direct City Clerk, when creating hard copies of correspondence sent to the City Council, also scan that correspondence in searchable form and post it on the City Council website with the agenda, was presented.

There were no members of the public present to speak on the item.

Motion by Councilmember Himmelrich, seconded by Councilmember O'Connor, to approve the recommendation. The motion was approved by a unanimous voice vote, with all members present excepting Councilmember Winterer.

OUTSIDE ADVISER

13.B. Request of Councilmembers Davis, Himmelrich, and Vazquez that the Council authorize funding for and hire an appropriate outside adviser to conduct an independent review and write an independent report to be presented at a public meeting regarding the best practices of California charter cities with a council-manager form of government in the wake of resident concerns about the Elizabeth Riel matter and enforcement of the Oaks Initiative. The person hired to conduct the review and write the report shall be selected by the City Council in open session and shall have the power to obtain documents upon request and interview staff, elected officials, appointed officials, and third parties as necessary, was presented.

Members of the public Sherrill Kushner (donated time by Nancy Morse), People of California, Elizabeth Van Denburgh, Laurence Eubank, Michael Toney, Andrew Hoyer, Michael Soloff, Zina Josephs, Denise Barton, and Stanley Epstein (donated time by Harriet Epstein) spoke generally in favor of the recommended action.

Considerable discussion ensued on topics including the scope of the review, persons to perform the review, and selection of the reviewer.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem Vazquez, for the City Manager to contact the three following persons, in ranked order, John Hueston, Debra Yang, and Brian Sun, to determine if these persons are interested in and available for the assignment; and the person would be given the following four complaints: 1. Oaks violation

regarding campaign contributions; 2. Oaks violation regarding Gould revolving door issue, 3. Riel complaint against the City, and 4. SMCLC complaint filed with the City; the person would then interview approximately 5-10 persons and return to the City with an estimated cost and a description of what to do.

Motion to amend by Councilmember Himmelrich, seconded by Mayor Pro Tem Vazquez, that the Council authorize funding for an appropriate outside adviser to conduct an independent review and write an independent report to be presented at a public meeting regarding the best practices of California charter cities with a council-manager form of government in the wake of resident concerns about the Elizabeth Riel matter and enforcement of the Oaks Initiative. The person hired to conduct the review and write the report shall be selected by the City Council in open session and shall have the power to obtain documents upon request and interview staff, elected officials, appointed officials, and third parties as necessary.

Motion to amend by Councilmember O'Day that the Council authorize funding for an appropriate outside adviser to conduct an independent review and write an independent report to be presented at a public meeting regarding the best practices of California charter cities with a council-manager form of government in the wake of resident concerns about the Elizabeth Riel matter and enforcement of the Oaks Initiative, including specific recommendations for the City to improve its practices. The person hired to conduct the review and write the report shall be selected by the City Council in open session and shall have the power to obtain documents upon request and interview staff, elected officials, appointed officials, and third parties as necessary.

The motion to amend was friendly to the maker and seconder.

On order of the Mayor, and with concurrence of the Council, Councilmembers may submit up to two proposed advisor names to the City Manager within 48 hours and the City Manager will make the list public, and contact persons on the list for availability.

The motion was approved by the following vote:

AYES: Councilmembers O'Connor, O'Day, Himmelrich, Davis,
Mayor Pro Tem Vazquez, Mayor McKeown

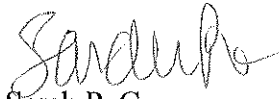
NOES: None

ABSENT: Councilmember Winterer

ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 2:14 a.m. in memory of John F. "Jack" Hutchison.

ATTEST:



Sarah P. Gorman
City Clerk

APPROVED:



Kevin McKeown
Mayor