

CITY OF SANTA MONICA
CITY COUNCIL MINUTES

JANUARY 12, 2016

A regular meeting of the Santa Monica City Council was called to order by Mayor Vazquez at 5:32 p.m., on Tuesday, January 12, 2016, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Tony Vazquez
 Mayor Pro Tem Ted Winterer
 Councilmember Gleam Davis
 Councilmember Sue Himmelrich
 Councilmember Kevin McKeown
 Councilmember Pam O'Connor (*arrived at 6:15 p.m.*)
 Councilmember Terry O'Day (*arrived at 5:55 p.m.*)

Also Present: City Manager Rick Cole
 City Attorney Marsha Jones Moutrie
 Acting City Clerk Denise Anderson-Warren

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 5:32 p.m., with all members present except Councilmembers O'Connor and O'Day. Councilmember Himmelrich led the assemblage in the Pledge of Allegiance.

ANNOUNCEMENT

Assistant City Manager read an announcement from Sarah Gorman that she will be stepping down from her position as City Clerk for personal reasons, and will be working as a Senior Advisor to the City Attorney and City Manager.

CLOSED SESSIONS

Members of the public Denise Barton commented on closed sessions.

On order of the Mayor, the City Council recessed at 5:37 p.m., to consider closed sessions and returned at 7:12 p.m., with all members present, to report the following:

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) Part 16 re leasing policy, landing fees and loans 2) Voting Rights Act

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

1.B. Conference with Legal Counsel - Potential Litigation: Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9 (d)(4) - 1605 Ocean Front Walk

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

1.C. Public Employee Evaluation: Title of Employee: City Manager

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

1.D. Conference with Legal Counsel - Existing Litigation - Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): National Business Aircraft Association, et al. v. City of Santa Monica, FAA Docket No. 16-14-04

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): Mahgerefteh v. City of Santa Monica, Los Angeles Superior Court Case Number BC 541 384

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

SPECIAL AGENDA ITEMS:

2.A. Proclamation designating the last week of January National Homeless Count Week, was presented by the Mayor.

2.B. City Manager's Report: Update on the Santa Monica Animal Shelter, was presented.

CONSENT CALENDAR: JOINT MEETING WITH THE REDEVELOPMENT SUCCESSOR AGENCY

There being a Consent Calendar for the Redevelopment Successor Agency, the Mayor, with the consensus of the Councilmembers, convened to a joint meeting with the Redevelopment Successor Agency at 7:26 p.m., and the two Consent Calendars were heard concurrently, with all members present.

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

Members of the public Denise Barton, Fernando Aguinaldo, Harold Pick, Jonathan Foster, and Zina Josephs commented on various Consent Calendar items.

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

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

MINUTES

3.A. The minutes for the November 24, 2015 City Council, were approved.

MINUTES

3.B. The minutes for the December 8, 2015 City Council, were approved.

MINUTES

3.C. The minutes for the December 15, 2015 City Council, were approved.

**SANTA MONICA
COLLEGE BUNDY
CAMPUS**

3.D. Motor Vehicle and Pedestrian Access Agreement to Airport Avenue from Santa Monica College Bundy Campus, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute five-year Motor Vehicle and Pedestrian Access Agreement No. 10236 (CCS) with Santa Monica Community College District ("SMC") to allow for pedestrian ingress and egress, and continued vehicular egress from the north vehicle gate at SMC's Satellite Campus to the intersection of Donald Douglas Loop South and Airport Avenue.

BID #4225

3.E. Bid Award for Purchase of One Compressed Natural Gas Rear Broom Street Sweeper, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4225 to Ray Gaskin Service, a California-based company, for the purchase and delivery of one Compressed Natural Gas Rear Broom Street Sweeper.
2. Authorize the Purchasing Services Manager to issue a purchase order with Ray Gaskin Service for one Compressed Natural Gas Rear Broom Street Sweeper in an amount not to exceed \$339,123.

**POLICE UTILITY
VEHICLES**

3.F. Purchase of 22 Police Interceptor Utility Vehicles, was approved.

Recommended Action

Staff recommends that the City Council authorize the Purchasing Services Manager to issue a purchase order with Folsom Lake Ford, a California-based company, for the purchase and delivery of 22 Ford Police Interceptor Utility Vehicles pursuant to Section 2.24.080(b) of the Santa Monica Municipal Code, in an amount not to exceed \$701,100.

**EMERGENCY
GENERATOR PROJECT**

3.G. San Vicente Emergency Generator Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a first modification to Construction Contract No. 10020 (CCS) in the amount of \$300,000 with Cora Constructors, Inc., a California-based company, to provide additional services and install a required fire suppression system. This would result in a new contract amount not to exceed \$2,044,205.
2. Authorize the City Manager to negotiate and execute a second modification to Professional Services Agreement #9641 in the amount of \$65,000 with Lee & Ro, Inc., a California-based company, to provide additional engineering services for the San Vicente Emergency Generator Project. This would result in a new total amount not to exceed \$393,500.
3. Authorize the budget changes as outlined in the Financial Impacts and Budget Actions section of this report.
4. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

**INDEPENDENT
AUDITING SERVICES**

3.H. Third Modification to Agreement for Independent Auditing Services for the City of Santa Monica, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a third modification to Professional Services Agreement #9373 in the amount of \$23,800 with Macias Gini & O'Connell, a California-based company, to provide additional financial auditing services. This will result in a five-year amended agreement with a new total amount not to exceed \$821,081.

BID #4223

3.I. Bid Award for the Purchase of Four Bin Trucks, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4223 to Reynolds Buick, a California-based company, for the purchase and delivery of four Bin Trucks for the Resource

- Recovery and Recycling division of the Public Works department;
2. Authorize the Purchasing Services Manager to issue a purchase order with Reynolds Buick for the purchase and delivery of four Bin Trucks in an amount not to exceed \$234,554.

**VEHICLE RENTAL
SERVICE**

3.J. Bid Award for Vehicle Rental Service for Police Department, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4210 to Enterprise Rent-A-Car, a Missouri-based company, for Vehicle Rental Service.
2. Authorize the Purchasing Services Manager to issue a purchase order for the Police Department with Enterprise Rent-A-Car for Vehicle Rental Service in an amount not to exceed \$118,484 for one year, with two additional one-year renewal options to extend at a 3% price increase for a total not to exceed \$366,223 with future year funding contingent on Council budget approval.
3. Authorize the Purchasing Services Manager to issue a purchase order for Fleet Management with Enterprise Rent-A-Car for Vehicle Rental Service in an amount not to exceed \$133,700 for one year, with 2 additional 1-year renewal options to extend at a 3% price increase for a total not to exceed \$413,253 with future year funding contingent on Council budget approval.

**LOW CARBON TRANSIT
OPERATIONS
PROGRAM**

3.K. Adopt a Resolution for the Low Carbon Transit Operations Program, was adopted.

Recommended Action

Staff recommends that the City Council adopt Resolution No. 10929 (CCS), entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO AUTHORIZE THE CITY MANAGER FOR THE AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)."

**FIRE DEPARTMENT
EQUIPMENT**

3.L. Award of Bid for Fire Department Equipment, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4231 to two vendors: L.N. Curtis, a California-based company and Allstar Fire Equipment, a California-based company for the purchase of fire hose, fire tools, and fire equipment;
2. Authorize the Purchasing Services Manager to issue a purchase order with L.N. Curtis for the purchase of fire hose, fire tools and fire equipment in the amount not to exceed \$633,000 for one year,

with two additional one year renewal options in the amount of \$300,000 for a total not to exceed \$1,233,000 with future year funding contingent on Council budget approval.

- 3. Authorize the Purchasing Services Manager to issue a purchase order with Allstar Fire Equipment for the purchase of fire tools and fire equipment in the amount not to exceed \$107,000 for one year, with two additional one year renewal options in the amount of \$100,000 for a total not to exceed \$307,000 with future year funding contingent on Council budget approval.

JOINT MEETING WITH THE REDEVELOPMENT SUCCESSOR AGENCY RECOGNIZED OBLIGATION PAYMENT SCHEDULE

3.M. Recognized Obligation Payment Schedule: July 2016 through June 2017 and Administrative Budgets, were adopted.

Recommended Action

Staff recommends that the Redevelopment Successor Agency adopt Resolution No. 27 (SA) entitled, "A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 2016- JUNE 2017", and Resolution No. 28 (SA) entitled, "A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING AND ADOPTING THE ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 2016- JUNE 2017, INCLUSIVE".

ADJOURNMENT OF JOINT MEETING

On order of the Chair/Mayor, the joint meeting with the Redevelopment Successor Agency was adjourned at 7:35 p.m., and the regular meeting of the City Council was reconvened, with all members present.

ORDINANCES: SAN VICENTE BOULEVARD COURTYARD APARTMENTS

7.A. Second Reading and Adoption of Ordinance No. 2507 (CCS) entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ADDING SECTION 9.56.310 TO THE SANTA MONICA MUNICIPAL CODE DESIGNATING THE SAN VICENTE BOULEVARD COURTYARD APARTMENTS HISTORIC DISTRICT," was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember Himmelrich, seconded by Councilmember Davis, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

NOES: None

ABSENT: None

**1601 LINCOLN BLVD.
DEVELOPMENT
AGREEMENT**

7.B. Second Reading and Adoption of Ordinance No. 2508 (CCS) entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA MONICA, A MUNICIPAL CORPORATION, AND FSTAR 1601, LLC", was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember Himmelrich, seconded by Councilmember Davis, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINIMUM WAGE

7.C. Introduction for First Reading an Ordinance Setting a Minimum Wage to be Effective in the City of Santa Monica, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading the attached ordinance setting a minimum wage to be effective in the City of Santa Monica with a phased approach to reach \$15 per hour by 2020 for most businesses; and to reach \$15.37 per hour by July 1, 2017 for hotel workers.

Members of the public Richard Hilton, Jason Islas, Hunter G. Hall, Beth Schrader, Laurel Rosen, Richard Peterson, Colby Goff, Carl Hansen, , Robert Huddock, Paloma Nicholas (time donated by Claudia Batista), Austen Ariniello, Jasmine Joffe, Renya Orellana, Andy Moss, Linda Piera-Avila, Jonah Breslav, Maritza Ponce (time donated by Joseph Silva), Melanie Luthern, Alexander Weyman (time donated by Andrew Cohen), Vivian Rothstein, Jim Conn, Abby Arnold, Jackie Martin, Lupe Stevenson, Rose Marie Molina, Sion Roy, Cathy Gentile, Janet McKeithen, Sophia Cheng, Eleutario Sanchez, Derek Smith, Bridie Roberts, Oscar de la Torre, Maria Loya, Sarah Braff, Matthew Lehman, Francis Engler (time donated by Maria Zamora), Ira Gottlieb, Marcy Winograd, Jennifer Kennedy, Jeremy Blasi, Denny Zane, (late) Jeramy Stutes, Robin Welner, and Sonya Sultan spoke generally in favor of the recommended action.

Members of the public Ruben Gonzalez (time donated by Bill Tocantins), Jonathan Foster, and People of California, spoke generally in opposition to the recommended action.

Motion by Councilmember McKeown, seconded by Councilmember Davis, to approve staff recommendation to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof.

Councilmember Himmelrich proposed a friendly amendment, that for hotels over 100 rooms, that the pay rate become \$15.37 in July 2016. The motion was not considered friendly to the maker or the seconder.

Councilmember Himmelrich made a second friendly amendment to eliminate the surcharge provision all together, and include only service charges – Page 11 of 26, Alternative 2, in Exhibit H

The motion was considered friendly by the maker, but not by the seconder, and that this is an issue that should be referred to the Working Group.

Considerable discussion ensued on topics including, but not limited to surcharges and service fees, transparency for consumers, student workers, number of sick days, protect people who file grievances, service charge issues, being careful not to demonize those who have a different opinion, the minimum wage should apply equally to all workers, and seasonal workers.

The original motion was restated, and approved by the following vote:

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

Direction was given to staff to authorize the City Manager to form a working group, and that the working group should investigate the following: service charge in Alternative II; seasonal workers, solving the logistics problem that comes with sick days; worker protection when filing grievances; definitions that are in or omitted from the statute; level of disclosure to consumers and employees regarding surcharges and fees; 4.2.60(a) banquet service charge, does not include back of the house workers; number of sick days, and when it comes into effect; the best way to introduce the ordinance and provide Outreach to employers and workers; definition of Supervisor in the ordinance; accrual of penalties; how to consolidate the four minimum wages running concurrently in the city; the difference between hotels and restaurants; are penalties strong enough regarding keeping good records; and temporary exemptions might include

some sort of public testimony.

Council directed the City Manager, and staff to be responsible for convening the Working Group to prioritize the amendment items, and come back with an ordinance.

STAFF
ADMINISTRATIVE
ITEMS:
AFFORDABLE HOUSING

8.A. Potential New Local Funding Sources for Affordable Housing, was presented.

Recommended Action

Staff recommends that the City Council:

1. Review, comment, and provide direction regarding a report prepared by the Housing Commission regarding potential sources of funding for affordable housing;
2. Review, comment, and provide direction regarding a narrowed list of potential sources of financing for affordable housing, and
3. Authorize the City Manager to negotiate and execute a first modification to professional services agreement No. 10141 in the amount of \$40,000 with Goodwin Simon Strategic Research, a California-based company, to conduct a resident survey to gauge support for various potential affordable housing funding strategies, resulting in a four-year amended agreement with a total amount not to exceed \$123,400.

Members of the public Denise Barton, Michael Soloff (time donated by Ed Hunsaker), Richard Hilton (time donated by Zina Josephs), Jim Conn, Art Casillas, Denny Zane, Sarah Letts, People of California, and (late) Jennifer Kennedy, spoke on the recommended action.

Questions were asked of staff regarding polling options, and how many questions should be included on the survey for wording for a possible ballot measure; increasing the sample size enough to assess more options; and, clarification that this would be an advisory tax.

Considerable discussion ensued on topics including, but not limited to polling about prioritizing affordable housing and all of the possible ballot measures to consider possible voter fatigue, resistance to a documentary transfer tax.

Motion by Councilmember Davis, seconded by Councilmember O'Day, to authorize the City Manager to negotiate and execute a first modification to professional services agreement No. 10141, in the amount of \$40,000 with Goodwin Simon Strategic Research to conduct a resident survey.

Comments and direction given to staff for possible survey questions, include: documentary transfer tax and transient occupancy tax in Los

Angeles; construction and sales tax in all variations, and possible spending; reframe the poll questions; gather community opinion about funds going to rehabbing homes instead of building new ones; give a better definition of Affordable Housing;

Councilmember McKeown made a friendly amendment to increase the dollar amount to \$60,000 in order to increase the number of people being polled. The motion was accepted as friendly by the maker.

The amended motion was approved by the following vote:

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

NOES: None

ABSENT: None

COUNCILMEMBER
DISCUSSION ITEMS:
CLEAN BEACHES AND
OCEAN PARCEL TAX
CITIZENS OVERSIGHT
COMMITTEE

13.A. Appointment to one annual vacancy on the Clean Beaches and Ocean Parcel Tax Citizens Oversight Committee for a term ending on 12/31/2017, was continued.

On order of the Mayor, this item was continued to the next, Council meeting.

COMMISSION ON THE
STATUS OF WOMEN

13.B. Appointment to one unscheduled vacancy on the Commission on the Status of Women for a term ending on 06/30/2016, was continued.

On order of the Mayor, this item was continued to the February 9, 2016, Council meeting.

COMMISSION ON THE
STATUS OF WOMEN

13.C. Appointment to one unscheduled vacancy on the Commission on the Status of Women for a term ending on 6/30/2017, was continued.

On order of the Mayor, this item was continued.

SOCIAL SERVICES
COMMISSION

13.D. Appointment to one unscheduled vacancy on the Social Services Commission for a term ending on 6/30/2016, was presented.

There were no members of public present for this item.

On order of the Mayor, the floor was opened for nominations.

Councilmember Winterer nominated Anita Prentice. There being no other nominations, Ms. Prentice was appointed by acclamation, will all members present.

ELLIS EXPANSION

13.E. Request of Mayor pro tem Winterer and Councilmember McKeown that Council direct staff to explore expanded Ellis and other involuntary relocation protections for households which include school-age children, similar to the augmented protections afforded seniors and persons with disabilities, to avoid the trauma to vulnerable young people of unanticipated forced dislocation and re-enrollment in the middle of a school year, was presented.

There were no members of the public present on this item.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Winterer, to give direction to staff to investigate whether we locally have the ability to do something to protect young children, and that Council support the statewide efforts that are underway to make minor amendments to the Ellis Act that would extend the protection time for people, and would also require landlords to notify the public agency, and tenants when the units come back on the market.

Councilmember Davis made an amendment to the motion to broaden the language to include households with children under the age of 18. The motion was accepted as friendly by the maker and seconder of the motion.

The amended motion with direction to staff was unanimously approved by voice vote, with all members present.


PUBLIC INPUT:

Members of the public Denise Barton, People of California, Jonathan Foster, and Art Casillas commented on various local issues.

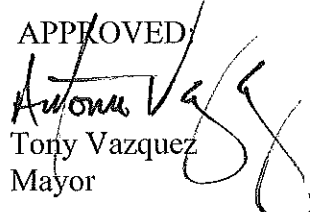
ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 12:19 a.m. in memory of Steve Demmer, Warren Long, Haskell Wexler, Rachel Bendacourt Peterson.

ATTEST:


Denise Anderson-Warren
Acting City Clerk

APPROVED:


Tony Vazquez
Mayor

