

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 10, 2017

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:32 p.m., on Tuesday, January 10, 2017, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Ted Winterer
Mayor Pro Tem Glean Davis
Councilmember Sue Himmelrich
Councilmember Kevin McKeown
Councilmember Tony Vazquez (*arrived at 6:00 p.m.*)

Absent: Councilmember Pam O'Connor
Councilmember Terry O'Day

Also Present: City Manager Rick Cole
Interim City Attorney Joseph Lawrence
City Clerk Denise Anderson-Warren

CONVENE/PLEDGE

On order of the Mayor, with assistance from the Mayor Pro Tem, the City Council convened at 5:32 p.m., with all members present except Councilmembers O'Connor, O'Day, and Vazquez. The Mayor announced that because he lost his voice, Mayor Pro Tem Davis would be calling the items for the meeting. Interim Assistant City Attorney Alan Seltzer led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

Member of the public Denise Barton commented on closed sessions.

On order of the Mayor Pro Tem, the City Council recessed at 5:37 p.m., to consider closed sessions and returned at 7:28 p.m., with Councilmembers O'Connor and O'Day absent, to report the following:

- 1.A. Conference with Real Property Negotiator**
Property: 1337/1345 7th St.
City Negotiator: Andy Agle, Dir., Housing and Economic Dev.
Under Negotiation: Price and Terms
Owner of Record: 1337 7th Street LLC

The Interim City Attorney advised that this item was not heard.

1.B. Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) - 120 Hart Avenue

The Interim City Attorney advised that this item was heard with no reportable action taken.

1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Atwood v. City of Santa Monica et al, United States District Court, Central District of California, Western Division, Case Numbers 2:16-cv-04114-PA-AGR

The Interim City Attorney advised that this item 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): Federal Aviation Administration v. City of Santa Monica, Notice of Investigation, Part 16 FAA Docket No. 16-16-13

The Interim City Attorney advised that this item 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): City of Santa Monica v. Atlantic Aviation, Los Angeles Superior Court Case Number SC 126 653

The Interim City Attorney advised that this item was heard with no reportable action taken.

1.F. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. American Flyers, Los Angeles Superior Court Case Number 16RO5422

The Interim City Attorney advised that this item was heard with no reportable action taken.

1.G. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. United States of America, U. S. District Court Case Number CV 13-08046

The Interim City Attorney advised that this item was heard with no reportable action taken.

**SPECIAL AGENDA
ITEMS:**

2.A. Los Angeles Area Fire Chiefs Association (LAAFCA) Recognition of Chief Walker for Completion of His Term as LAAFCA President, was presented.

2.B. Proclamation: Declaring January 24-26, 2017 as National Homeless Count Week, was presented by the Mayor and Mayor Pro Tem.

**REPORT ON COUNCIL
TRAVEL**

There was nothing to report on Council travel.

**REPORT ON MEETING
COMPENSATION**

Pursuant to State law, City Clerk Denise Anderson-Warren announced that Council will receive no compensation for meeting as the Redevelopment Successor Agency.

**CONSENT CALENDAR:
SPECIAL MEETING
WITH THE
REDEVELOPMENT
SUCCESSOR AGENCY**

There being a Consent Calendar for Council and the Redevelopment Successor Agency, the Mayor Pro Tem, with the consensus of the Councilmembers, convened to a meeting as the Redevelopment Successor Agency at 7:37 p.m., and all Consent Calendars were heard concurrently, with Agency/Councilmembers O'Connor and O'Day absent.

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

Member of the public Jonathan Foster 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 McKeown, Vazquez, Himmelrich,
Chair/Mayor Pro Tem Davis, Chair/Mayor Winterer

NOES: None

ABSENT: Agency/Councilmembers O'Connor, O'Day

**SPECIAL MEETING OF
THE REDEVELOPMENT
SUCCESSOR AGENCY
ROPS AND
ADMINISTRATIVE
BUDGET**

3.A. Recognized Obligation Payment Schedule: July 2017 through June 2018 and Administrative Budgets, was adopted.

Recommended Action

Staff recommends that the Redevelopment Successor Agency adopt **Resolution No. 32 (SA) entitled, "A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING**

AND ADOPTING THE ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 2017 – JUNE 2018, INCLUSIVE,” and **Resolution No. 33 (SA) entitled**, “A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT FOR JULY 2017 – JUNE 2018,” approving the Agency’s draft recognized obligation payment schedule and administrative budget for July 1, 2017 through June 30, 2018.

**INTERIM CITY
ATTORNEY AND PAU
MOU**

3.B. Appointment of Interim City Attorney and Approval of Employment Agreement No. 10404 (CCS) and Side Letter Modifying Public Attorney’s Union Memorandum of Understanding No. 10405 (CCS), was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt the employment agreement appointing Joseph Lawrence as the interim City Attorney; and
2. Adopt the side letter modifying the Public Attorney’s Union Memorandum of Understanding.

CITY YARDS

3.C. Award of Agreements for Surveying Services and Environmental Consulting Services at the City Yards, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #2351 to Dudek, a California-based company for environmental consulting services for the City Yards Modernization Project;
2. Authorize the City Manager to negotiate and execute Agreement No. 10406 (CCS) with Dudek for a total amount not to exceed \$426,484 (including a 10% contingency);
3. Award Bid #2396 to Hahn and Associates, Inc., a California-based company for site survey services for the City Yards Modernization Project;
4. Authorize the City Manager to negotiate and execute Agreement No. 10407 (CCS) with Hahn and Associates, Inc. for a total amount not to exceed \$131,560 (including a 10% contingency);
5. Award Bid #83 to Hathaway Dinwiddie Construction Company (HDCC), a California-based company, for professional services to aid Arup North America in design and development of the proposed microgrid at the City Yards; and
6. Authorize the City Manager to negotiate and execute Agreement No. 10408 (CCS) with Hathaway Dinwiddie Construction Company (HDCC) for a total amount not to exceed \$372,857, forgoing competitive bidding.

**FIRE EQUIPMENT
PURCHASE**

3.D. Award Bid for Purchase of Up to Five Fire Engines and Two Ladder Trucks, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to award Bid No. 4237 to Kovatch Mobile Equipment (KME) Corporation, a Pennsylvania-based company, for the purchase of one Type 1 Aerial Ladder Truck and four Type 1 Fire Engines with options to purchase one additional Type 1 Aerial Ladder Truck and one Type 1 Fire Engine over a five-year option period; and
2. Authorize the City Manager to negotiate and execute Contract No. 10409 (CCS) with KME, in the amount not to exceed \$6,366,513 (which includes a 10% contingency) over a five-year period, with future year funding contingent on Council budget approval.

BROKER SERVICES

3.E. Real Estate Broker Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute professional services Agreement No. 10410 (CCS) with Newmark Grubb Knight Frank in an amount not to exceed \$310,000 for a one-year term with a one-year option; and
2. Authorize the budget changes outlined in the Financial Impacts and Budget Actions section of the report.

**INVESTMENT RELATED
SERVICES**

3.F. Authorization to Continue with the Bloomberg Finance L.P. Agreement for Investment Related Services, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to continue Agreement No. 10411 (CCS) with Bloomberg Financial L.P., a New York-based company, to provide subscription services for its real-time electronic investment and financial market information and investment trade order management system for a period of five years with an option to extend the authorization for an additional five years. This recommendation is made as an exception to the competitive bidding process pursuant to Section 2.24.080(d) and is for a total estimated amount of \$273,000 with future year funding contingent on Council budget approval. The current annual payments for the subscription services are approximately \$26,000 per year with biennial adjustments based on Bloomberg's prevailing rates.

**FIRE TRAINING
CENTER**

3.G. Construction Services for the Fire Training Center Lot Improvements, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2401 to West Valley Investment Group, a California-based company, for construction services of the Fire Training Center Lot Improvements project;
2. Authorize the City Manager to negotiate and execute Contract No. 10412 (CCS) with West Valley Investment Group, in an amount not to exceed \$399,630 (including a 10% contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

PARKING EQUIPMENT

3.H. Purchase of New Parking Access and Revenue Control Equipment, was approved.

Recommended Action

Staff recommends that City Council:

1. Authorize the City Manager to negotiate and execute Contract No. 10413 (CCS) with Sentry Control Systems, Inc., a California based company, in an amount not to exceed \$4,700,000 for the purchase, installation, and up to 7 years of maintenance of the Parking Access and Revenue Control System for various City owned parking facilities, with future year maintenance funding contingent on Council approval; and
2. Authorize the budget changes as outlined in the Financial Impacts and Budget Actions section of the report.

MINUTES

3.I. Approval of Minutes for the City Council - Regular Meeting - Nov 22, 2016, were approved.

ADJOURNMENT OF SPECIAL MEETING

On order of the Chair/Mayor Pro Tem, the special meeting was adjourned at 7:40 p.m., and the regular meeting of the City Council was reconvened, with Councilmembers O'Connor and O'Day absent.

**ORDINANCES:
TAXICAB FRANCHISES**

7.A. Second Reading and Adoption of Ordinance Nos. 2529 (CCS) Amending and Extending Taxicab Franchises Granted to L.A. Taxi Cooperative, Inc., Doing Business as Yellow Cab Company, 2530 (CCS) All Yellow Taxi, Inc., Doing Business as Metro Cab, 2531 (CCS) Bell Cab Company, Inc., 2532 (CCS) TMAP Corporation Doing Business as Taxi! Taxi!, and 2533 (CCS) Independent Taxi Owners' Association, was presented.

Recommended Action

Staff recommends that the City Council adopt the Ordinances.

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to adopt the ordinances, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

ANIMALS ON PUBLIC PROPERTY

7.B. Introduction and First Reading of an Ordinance Amending Santa Monica Municipal Code Sections 4.04.162 Prohibition of Certain Animals on Public Property; 4.55.010 Parks and Beach - Purpose and Findings; 4.55.020 Park and Beach - Definitions; and 4.55.400 Authority of Department of Community and Cultural Services to Regulate Parks, Beaches, Park Facilities, and Beach Facilities, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance (Attachment pending) which would amend Santa Monica Municipal Code (SMMC) Sections 4.04.162, 4.55.010, 4.55.020 and 4.55.400 related to the use of City parks, park facilities, the Beach, and beach facilities.

Members of the public Denise Barton, Neil Carrey, and Johnathan Foster commented on the recommended action.

Questions were asked and answered of staff regarding what happens when these illegal animals are in the parks and what steps should members of the public take to report prohibited animals.

Motion by Councilmember Vazquez, seconded by Councilmember Himmelrich, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

HOME-SHARING PROGRAM

Councilmember Himmelrich was excused at 7:55 p.m.

7.C. Home-Sharing Program Amendments, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance to amend Santa Monica Municipal Code Chapter 6.20, Home

Sharing and Vacation Rentals, to clarify regulations governing online booking services for short-term rentals.

Councilmember Himmelrich recused herself from this item because her husband is representing Airbnb against the City.

Members of the public Ryan Anderson, Dave Krauss, Danielle Wilson, Francis Engler, Robert St. Genis, and Tracey Chavira commented on the recommended action.

A question was asked of staff regarding the change made in Section 6.20.050 (b), where one set of language has been replaced with a different set of language, and what harm would there be in leaving both sections in the ordinance.

Councilmember McKeown suggested an amendment to the recommendation to leave both methods in the ordinance, and if it turns out that one is not allowable by law, Section 3 of this ordinance will allow any one section to be found invalid or unconstitutional without harming the integrity of the rest of the ordinance.

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to adopt the changed ordinance with the amendment to include both of what was listed previously and what is listed newly as Section 6.20.050 (b), and renumber that section.

Interim City Attorney proposed changes to the ordinance to include the section that is currently struck out as (b), reinsert it, but at the beginning of it add "Subject to applicable law, disclose to the City on a regular basis," etc.

That was considered friendly to the maker of the motion.

The Interim City Attorney clarified, the struck out (b) with that language becomes reinserted, what is shown as (b) becomes (c), what is (c) becomes (d), what is (d) becomes (e), what is (e) becomes (f), and then under the new (e), which begins Safe Harbor, in the second line reads "A hosting platform operating exclusively on the internet which operates in compliance with subsections (a), (b), and (c), that then gets changed to (a), (b), (c), and (d)."

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof, and include the amended language as presented by the Interim City Attorney. The motion was approved by the following vote:

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

COUNCILMEMBER
DISCUSSION ITEMS:
MID CITY NEIGHBORS

*Councilmember Himmelrich
returned at 8:18 p.m.*

13.A. Request of Mayor Winterer, Mayor Pro Tem Davis, and Councilmember Vazquez that the Council allocate \$12,000 of discretionary funds to the Mid City Neighbors, to be matched 4-1 with a contribution of \$3000, and additionally disburse \$10,000 to the Pico Improvement Organization, to be matched 1:1 with another \$10,000. In both instances these funds are to be used in conjunction with Beautify Earth to paint murals on sites already identified and approved by property owners in the Mid City neighborhood and on Pico Boulevard, was presented.

Member of the public Andrew Hoyer spoke in favor of the recommended action.

Motion by Councilmember Vazquez, seconded by Mayor Pro Tem Davis, to approve the recommendation. The motion was approved by the following vote:

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

PUBLIC INPUT:

Members of the public Denise Barton, Johnathan Foster, Art Casillas, Dhun May, and Andrew Hoyer commented on various local issues.

**CONVENED TO CLOSED
SESSION**

On order of the Mayor Pro Tem, the Council convened to Closed Session at 8:36 pm, and reconvened at 9:48 pm, with nothing to report out.

ADJOURNMENT

On order of the Mayor Pro Tem, the City Council meeting was adjourned at 9:48 p.m. in memory of John Chelew.

ATTEST:



Denise Anderson-Warren
City Clerk

APPROVED:



Ted Winterer
Mayor