

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MARCH 7, 2017

A special meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:31 p.m., on Tuesday, March 7, 2017, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Ted Winterer
Mayor Pro Tem Gleam Davis
Councilmember Sue Himmelrich
Councilmember Kevin McKeown
Councilmember Terry O'Day (*arrived at 5:33 p.m.*)
Councilmember Tony Vazquez

Absent: Councilmember Pam O'Connor

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

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 5:31 p.m., with all members present except Councilmembers O'Connor and O'Day. Councilmember Vazquez 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 5:33 p.m.*

On order of the Mayor, the City Council recessed at 5:33 p.m., to consider closed sessions and returned at 6:50 p.m., with Councilmember O'Connor absent, to report the following:

- 1.A. Conference with Real Property Negotiator:
Property: 3300 Airport Avenue
Negotiator: Stelios Makrides, Airport Director
Under Negotiation: Lease Terms
Owner of Record: John Clarizio**

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

- 1.B. 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 this matter 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): National Business Aviation Association v. Huerta, United States Court of Appeals, District of Columbia Circuit, Case Number 17-1054

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

REPORT ON COUNCIL TRAVEL

There was nothing to report on Council travel.

CONSENT CALENDAR:

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

The City Clerk announced that there was a correction on Item 3-D, Page 10 of the Minutes. The minutes were amended to provide clarification for the reason that Councilmember Himmelrich recused herself from the item. Her husband is a partner for the law firm that is representing Airbnb.

Members of the public Margaret Bach, Carl Hansen, and Ken Kutcher commented on various Consent Calendar items.

At the request of Mayor Winterer, Item 3-A was removed from the Consent Calendar.

Motion by Councilmember O’Day, seconded by Councilmember Himmelrich, to approve the Consent Calendar except for Item 3-A, reading resolutions by title only and waiving further reading thereof, with the amendment to Item 3-D. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O’Connor

TRAFFIC SIGNALS

3.B. Request Emergency Authorization to Purchase and Install Traffic Signal Replacements at the Intersections on Montana Avenue and 4th, 7th, 11th, and 14th Streets and Upgrade those Signals to the Current Standard Used Throughout Santa Monica, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid # SP9198 to Dynalectric Corporation, a California-

based company for the purchase and installation of traffic signal and associated equipment;

2. Authorize the Purchasing Services Manager to issue a purchase order with Dynalectric Corporation for the purchase and installation of traffic signals and associated equipment for a total amount not to exceed \$1,165,000; and
3. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section.
4. This recommended award is made as an exception to the standard bidding procedure pursuant to Section 2.24.071(e) (3) which states that by two-thirds affirmative vote of its membership, the City Council may forego the bidding procedures otherwise required by this Section if the City Council finds that due to urgent necessity, the public health, welfare or safety would be jeopardized if the bidding procedures of this Section were followed.

**AIRPORT AVENUE
PROJECT**

3.C. Reject All Proposals for the Engineering Design Services for the Airport Avenue Project, was approved.

Recommended Action

Staff recommends that the City Council reject all proposals for RFP #SP2466, Engineering Design Services for the Airport Avenue Project.

MINUTES

3.D. Approval of Minutes for the City Council - Regular and Special Joint Meeting - Jan 24, 2017, were approved as amended.

1248 5TH STREET

3.A. Request to Approve Plans to Restore and Rehabilitate the Historic Interior Lobby of the Former United States Post Office Building Located at 1248 5th Street, in Accordance with a Preservation Covenant Administered by the City Council, was approved.

Recommended Action

Staff recommends that City Council:

- 1) Approve the request to restore and rehabilitate the historic interior lobby of the former Post Office building, located at 1248 5th Street, a designated City Landmark, as described in plans dated December 19, 2016; and
- 2) Designate the Landmarks Commission Secretary as its designee to review and approve certain future interior modifications to the historic lobby.

This item was pulled by Mayor Winterer for clarification.

Motion by Mayor Winterer, seconded by Councilmember Himmelrich, to approve staff recommendation with a change to Section 2 that replaces the Landmarks Commission Secretary with the phrase Landmarks Commission Secretary in consultation with the subcommittee of the Landmarks Commission as the designee to review and approve certain future interior modifications to the historic lobby.

The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

STUDY SESSION:
CANNABIS
REGULATIONS

4.A. Study Session on Cannabis Regulations, was presented.

Recommended Action

Staff recommends that the City Council:

1. Direct staff to draft an ordinance to create a regulatory permit and selection process for medical cannabis dispensaries;
2. Direct staff to draft an ordinance prohibiting commercial cannabis related business activities; and
3. Direct staff to draft an ordinance to amend the Santa Monica Municipal Code to address changes in State law related to cannabis regulations.

*Councilmember O'Day
was excused at 8:08 p.m.*

Members of the public Robert Rosenheck (time donated by Alan Rader), Cindy Capobianco, Ryan Bacchas, Matt Tucker, Courtney Freeman, Bill Leahy, Denise Barton, Michael Toney, Bobbe Houston, Jerry Rubin, Pamela Epstein, Jackie Subeck, Art Casillas, and Andrew Hoyer spoke on the recommended action.

Questions asked and answered of staff included, but not limited to: what cost can the City request for the permits, and what can be included in that cost (Police, Code Enforcement, Staffing, etc.); is there any estimate of possible fees, what does the prohibition refer to; clarification of the two step process; zoning questions regarding recreational uses; prohibitions regarding individual use and if smoking regulations would apply; rules and restrictions for a regulatory permit; how many regulatory permits will be issued; and, have bond requirements been considered.

Considerable discussion ensued on topics including, but not limited to, just how long it has taken for marijuana to be legalized; recreational use, the Council should wait for another year to see what the state does on this matter; should not use the lottery system if there are more than one qualified operators, but instead use other qualifiers to determine such as if they are local, women or minority business owners; add as many ways to qualify including bonding, background scanning to make sure that there are no problems down the road; pharmaceutical marijuana should be the priority, not recreational use; make sure there is adequate security for these businesses, the startup should be slow and careful; and that manufacturing should be explored, but separate of medical marijuana.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Vazquez, to adopt the staff recommendation.

Councilmember Vazquez, proposed a friendly amendment to give direction to explore what would be involved in the manufacturing of medically related products at one of the two designated dispensaries or in another portion of the city where it may be more appropriate. The motion was accepted as friendly by the maker of the motion.

Councilmember McKeown, proposed an amendment to remove the addition of drafting an ordinance prohibiting commercial cannabis related business activities, and instead leaving our Municipal Code the way it is currently.

After clarification from the City Attorney, the maker suggested the following language as an amendment:

That under Item 2, to direct staff to look and analyze the risk and opportunities for local regulation of commercial cannabis related business activities. The motion was considered friendly by the seconder.

The motion was approved, with amendments by the following vote:

AYES: Councilmembers McKeown, Vazquez, Himmelrich,
Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: Councilmember O'Connor, O'Day

ORDINANCES:
NOISE REGULATIONS

7.A. Introduction and First Reading of an Ordinance Amending Chapter 4.12 of the Santa Monica Municipal Code Regarding Noise Regulations, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance amending certain Sections 4.12.020 and 4.12.030 of the Santa Monica Municipal Code to exempt activities undertaken on outdoor public property in land use zones not exclusively designated as residential.

Members of the public Denise Barton, Victoria Best, Gabriella Rosco, Max Diamond, Salma Morales, Hunter Hall, Carl Hansen, Mike Gruning, Jerry Rubin, and Michael Toney spoke on the recommended action.

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

Mayor Pro Tem Davis, proposed a friendly amendment to have staff come

back in 6 months with an Information Item to report if there are any concerns raised. The motion was considered friendly by the maker and seconder.

Councilmember Himmelrich, made a friendly amendment suggesting text changes in the Ordinance. In Clause 5 (D) and (E), eliminating the word “does” at the beginning of the subsections, and changing the word abut to abutting, and changing violate to violating. The motion was considered friendly by the maker and seconder.

The motion was approved, with amendments by the following vote:

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

**PROPERTY
MAINTENANCE**

7.B. Property Maintenance Ordinance Amendments, was presented.

Recommended Action

Staff recommends that the City Council introduce and approve on first reading the Property Maintenance Ordinance amending Chapter 8.96 of the Santa Monica Municipal Code to include additional requirements.

Members of the public Denise Barton and Andrew Hoyer spoke on the recommended action.

Questions asked and answered of staff included clarification on the one nail rule and what is considered substantive; how are enforcement actions taken, what is the priority and follow-up once a complaint has been filed; how long does the process take and what happens after that time period expires; clarification on the statute and when does the 6 month time limit begin; and, how are properties identified.

Motion by Councilmember Himmelrich, seconded by Councilmember McKeown, 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: Councilmember O’Connor, O’Day

STAFF

8.A. Annual Development Agreement Compliance Review, was

ADMINISTRATIVE
ITEMS:
DEVELOPMENT
AGREEMENT
COMPLIANCE REVIEW

presented.

Recommended Action

Staff recommends that the City Council:

- 1) Review the status of Development Agreement compliance;
- 2) Determine good faith compliance for those that are in compliance and listed as such in Table 1; and
- 3) Determine that good faith compliance has not been achieved for the Agensys Development Agreement.

Members of the public Denise Barton and Gary Welch, spoke generally in favor of the recommended action.

Questions asked and answered of staff included: procedures for compliance review, and enforcement; affordable housing components, who looks at the conformance with the Development Agreements; are there any incentives being offered to Agensys to encourage them to use the Metro; what percentage of their employees have given up their parking spaces; how many more people do they need to meet their daily average ridership; on Dorchester, there is one unit that is not in compliance, why is that; and, did state law require monitoring on Affordable Housing or is there local requirement;

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to adopt the staff recommendation. The motion was approved by the following vote:

AYES: Councilmembers Himmelrich, Vazquez, McKeown,
Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: Councilmember O'Connor, O'Day

ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 9:51 p.m. in memory of Kelly Cano.

ATTEST:

APPROVED:



Denise Anderson-Warren
City Clerk



Ted Winterer
Mayor