

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MAY 9, 2017

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:35 p.m., on Tuesday, May 9, 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 Pam O'Connor
Councilmember Terry O'Day
Councilmember Tony Vazquez

Also Present: Assistant City Manager Elaine Polachek
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 5:35 p.m., with all members present. Councilmember Vazquez led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

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

On order of the Mayor, the City Council recessed at 5:38 p.m., to consider closed sessions and returned at 6:32 p.m., with all members present, to report the following:

1.A. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Avilez v. City of Santa Monica, Los Angeles Superior Court Case Number BC 489178

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): Casillas v. City of Santa Monica, Los Angeles Superior Court Case Number BC 616 759

The Interim City Attorney advised this was a trip and fall accident, and recommended that Council approve a settlement in the amount of \$48,000.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to approve Settlement Agreement No. 10457 (CCS) in the amount of \$48,000. The motion was approved by the following vote:

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

NOES: None

ABSENT: None

1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Airbnb, Inc. v. City of Santa Monica, United States District Court for the Central District of California Case Number 2:16-cv-06645-ODW-AFM

The Interim 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): Scott and Babinski v. City Council for the City of Santa Monica, Los Angeles Superior Court Case Number BS 169 465

The Interim 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): Arlene Rosenblatt, an individual, on behalf of herself and all others similarly situated, v. City of Santa Monica et al., United States District Court, Central District of California, Western Division, Case Number 2:16-cv-04481-ODW-AGR

The Interim City Attorney advised this matter 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): National Business Aviation Association, Inc., et al. v. Michael P. Huerta, Administrator and Federal Aviation Administration, U.S. Court of Appeals for the District of Columbia Circuit, USCA Case #17-1054

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

**SPECIAL AGENDA
ITEMS:**

2.A. Proclamation Designation May 2017 as National Bike Month, was presented by Mayor Winterer.

2.B. City Manager's Report: Homeless Count 2017 Results, was presented.

Member of the public Bill Parent commented on the Homeless Count results.

**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 Public Financing Authority.

**CONSENT CALENDAR:
JOINT MEETING WITH
THE PUBLIC
FINANCING
AUTHORITY**

There being a Consent Calendar for the Public Financing Authority, the Mayor, with the consensus of the Councilmembers, convened to a joint meeting with the Public Financing Authority at 6:59 p.m., and the two Consent Calendars were heard concurrently, with all Authority/Councilmembers present.

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

Member of the public Denise Barton commented on various Consent Calendar items.

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

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

NOES: None

ABSENT: None

**PUBLIC FINANCING
AUTHORITY MEETINGS**

3.A. Resolution No. 12 (PFA) entitled "RESOLUTION OF THE SANTA MONICA PUBLIC FINANCING AUTHORITY ESTABLISHING REGULAR MEETING DATES", was adopted.

Recommended Action

Staff recommends that the Santa Monica Public Financing Authority:

- 1. Adopt the attached Authority Resolution to establish the regular meetings of the Authority to be the same dates on which City Council meets; and
- 2. Authorize the officers of the Authority to take all actions necessary to implement the purpose of the Resolution.

DIESEL FUEL

3.B. Award Bid for Purchase of Renewable Diesel Fuel, was approved.

Recommended Action

Staff recommends that the City Council authorize the Purchasing Services Manager to issue purchase orders with Pinnacle Petroleum, Inc., a California-based company, for the purchase and delivery of renewable diesel fuel. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(b), as competitive bidding has already occurred, and is for a total amount not to exceed \$512,250 over two years and six months, with future year funding contingent on Council budget approval.

PARKING SERVICES

3.C. Fourth Modification to Agreement 9210 (CCS) for Parking Citation Processing, Parking Permit Fulfillment, and Payment Processing Services, was approved.

Recommended Action

Staff recommends that the City Council:

- 1. Assign agreement #9210 (CCS) from Xerox State & Local Solutions, Inc. to Conduent State & Local Solutions, Inc.
- 2. Authorize the City Manager to negotiate and execute a fourth modification to agreement #9210 (CCS) in the estimated amount of \$1.9 million (includes 10% contingency) with Conduent State & Local Solutions, Inc., a New-Jersey-based company, for parking citation processing, parking permit fulfillment, and payment processing services. This will result in a nine-year amended agreement with an estimated agreement amount of \$14.5 million, with future year funding contingent on Council budget approval.

UTILITY VEHICLES

3.D. Purchase of 26 Ford 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 26 Police Interceptor Utility Vehicles. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(b) as competitive

bidding has already occurred, and is for a total amount not to exceed \$840,807 with future year funding contingent on Council budget approval.

FLEET MANAGEMENT

3.E. Fleet Management Sole Source Requests, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the Purchasing Services Manager to issue a purchase order with AMREP, a New Jersey-based company, for equipment and parts for AMREP bodies. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and is for a total amount not to exceed \$181,765 with future year funding contingent on Council budget approval.
2. Authorize the Purchasing Services Manager to issue a purchase order with Mar-Co Equipment Company, a Texas-based company, for TYMCO parts and service. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and is for a total amount not to exceed \$212,463 with future year funding contingent on Council budget approval.
3. Authorize the Purchasing Services Manager to issue a purchase order with Municipal Maintenance Equipment, a California-based company, for GO-4 vehicle parts. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and is for a total amount not to exceed \$128,913 with future year funding contingent on Council budget approval.
4. Authorize the Purchasing Services Manager to issue a purchase order with Ray Gaskin Service, a California-based company, for equipment and parts for Scranton Manufacturing (New Way), Wayne Engineering, Dadee equipment. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and is for a total amount not to exceed \$411,411 with future year funding contingent on Council budget approval.
5. Authorize the Purchasing Services Manager to issue a purchase order with Tennant Company, a Minnesota-based company, for repair and maintenance parts for Tennant machines. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(a) and is for a total amount not to exceed \$175,525 with future year funding contingent on Council budget approval.

BIG BLUE BUS

3.F. Any Line, Any Time BBB Pass Program for Santa Monica College, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute Agreement No. 10455 (CCS) to renew the “Any Line, Any Time” unlimited ride transit program between Big Blue Bus and Santa Monica College (SMC) for a three-year term covering the period July 1, 2017 through June 30, 2020. SMC will reimburse Big Blue Bus for transit services in the amount of \$4,513,878 over the three-year term.

AFFORDABLE HOUSING

3.G. Approval of the Proposed FY 2017-18 One-Year Action Plan Allocating Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Act Program (HOME) Entitlement Grant Funds, was approved.

Recommended Action

Staff recommends that the City Council:

1. Approve the Proposed FY2017-18 One-Year CDBG and HOME Action Plan (Attachment A).
2. Authorize the City Manager to submit all documents required to receive the City’s annual Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME) entitlement grant funds from the U.S. Department of Housing and Urban Development (HUD).

1014 BAY STREET

3.H. Resolution No. 11039 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL SUBDIVISION MAP FOR PARCEL NO. 74335 TO SUBDIVIDE A PROPERTY AT 1014 BAY STREET”, was adopted.

Recommended Action

Staff recommends that the City Council adopt the attached resolution approving Final Parcel Map No. 74335.

FRIENDS OF THE SANTA MONICA PUBLIC LIBRARY

3.I. Authorize the City Manager to negotiate and execute an operating agreement with the Friends of the Santa Monica Public Library, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute operating Agreement No. 10456 (CCS) with the Friends of the Santa Monica Public Library (Friends) to establish terms and conditions under which the City would continue to provide the Friends with space to operate a bookstore on the premises of the Main Library located at 601 Santa Monica Blvd.

AD HOC COMMITTEE

3.J. Adoption of Resolution No. 11042 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ADOPTING RULES OF CONDUCT FOR THE CITY COUNCIL AUDIT COMMITTEE,” was adopted.

Recommended Action

Staff recommends that the City Council:

- 1. Approve the establishment of a limited term ad hoc committee to take part in Audit Subcommittee discussions on a staff compensation study conducted by Moss Adams, LLP; and
- 2. Approve the attached Audit Subcommittee Rules of Conduct.

UTILITY UNDERGROUNDING BID

3.K. Reject Proposals for Santa Monica Utility Undergrounding and Excavation Bid#UUC1005, was approved.

Recommended Action

Staff recommends that the City Council:

- 1. Reject all bids for Bid #UUC1005 Utility Undergrounding and Excavation, for utility undergrounding, excavation, and construction services related to the City’s fiber optic network.
- 2. Direct staff to issue a request for bids (RFB) to obtain the best bidder for utility undergrounding, excavation, and construction services for the City’s fiber optic network.

MINUTES

3.L. Minutes for the City Council - Special Meeting - Mar 7, 2017, were approved.

MINUTES

3.M. Minutes for the City Council - Regular Meeting - Mar 28, 2017, were approved.

ADJOURNMENT OF SPECIAL JOINT MEETING

On order of the Chair/Mayor, the special joint meeting with the Public Financing Authority was adjourned at 7:12 p.m., and the regular meeting of the City Council was reconvened with all members present.

**STUDY SESSION:
BIKE/PEDESTRIAN ACTION PLAN**

4.A. Council review and comment on Bike Action Plan and Pedestrian Action Plan implementation update including Vision Zero target, was presented.

Members of the public Denise Barton, Jerry Rubin, Daniel Beebe, Jason Mastlaun, Chris Gutierrez, Cynthia Rose, Natalya Zernitskaya, Juan Matute, Tim Havter, Evan Wischik, Melissa Sweeney, Michael Brodsky, Jason Islas, Carl Hanson, Bryan Beretta, Kent Stumpell, Andrew Hoyer, and Michael Cahn spoke on the recommendation.

Questions asked and answered of staff included but not limited to: is there collaboration with the school and colleges; on media outreach, are there any plans for safety education, including what is appropriate for pedestrians

to wear when walking and biking; what are the safest bike routes to get across town, and is there any consideration to create alternate streets/pathways for bike routes; is distracted walking and bicycling illegal; how much of a factor is distracted pedestrians weigh in on fatalities; is there a balance of enforcement between citations given to pedestrians and vehicles; unsafe turns and how they have or have not increased in comparison to previous years; what hasn't been done in the Bike Action Plan, and what is the plan going forward; any data on Mango and if it has increased ridership; look at where more protected bike lanes could be developed; how prepared is staff to deal with direction given tonight with regards to the budget, if it makes sense to consider establishing assessment districts for improving pedestrian safety in neighborhoods; is it possible to give away reflective swag to promote the program; and, why isn't there just one Mobility Plan instead of having the Bike Action Plan, Pedestrian Action Plan, and the Vision Zero Plan.

Considerable discussion ensued on topics including, but not limited to: whether or not the city should hire a permanent point person on pedestrian safety, or if resources can be pulled from other areas; the Downtown Community Plan does not have any proposed protected bicycle lanes; slow down traffic all around in order to make the streets safer; ways to improve the infrastructure for example, lighting, sidewalks, and streets; need to have a person who serves as a Vision Zero Czar to look at the big picture on pedestrian safety, and, communicate with the community through outreach about the various pilot programs that may be planned, including Safe Routes for Seniors.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to give direction to staff to look into Pilot on protected parking bike lane; look at both right and left turns to make the turns safer; pedestrian bicycle corridors; how to evaluate the convenience of safety versus convenience, including having a designated point person to coordinate pedestrian safety for every department.

A friendly amendment proposed by Councilmember O'Day, to develop an updated Bicycle Action Plan, identifying the gaps in the network, and the best opportunities to create a safer bike network; to fund the Pedestrian Advocate position, and to have those specific topics come back as part of the budget planning sessions, and create an Infrastructure Action Plan using funds from Measure M. The motion was considered friendly by the maker and seconder.

A friendly amendment proposed by Councilmember Himmelrich, to reach out to the school and college to create a collaborative outreach, including safety and education, and the addition of looking at lighting, because there will be fewer people biking and more walking, would like to add an extra emphasis on pedestrian improvements. The motion was considered friendly

by the maker and seconder.

A friendly amendment proposed by Mayor Winterer, to take a specific look at the scrambles in the Downtown, with regards to right and left turns, and to start inviting Council to walking events that happen around town. The amendment was accepted as friendly by the maker and seconder.

The motion was unanimously approved by voice vote, with all members present.

ORDINANCES:
WATER NEUTRALITY

7.A. Introduction for First Reading an Ordinance on Water Neutrality, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading the attached Water Neutrality ordinance that requires new developments and new or enlarged pools, spas, water features, and ponds to stay within the same water use as the existing property through the installation of water-efficient fixtures and systems on-site. If compliance cannot be met, the applicant must offset the projected additional water use elsewhere in the city. The City will provide a fee-based turn-key retrofit program and/or the applicant can install retrofits at self-selected sites at their own cost.

Questions asked of staff included: an explanation of the cost of the mitigation fee, is there a way to pull current constructions into this new program; can this ordinance go into effect sooner than nine month, with a certain date to start collecting the fees; if people have pools and spas, what is the tradeoff for them if pools are useful in times of emergency; how did five years become the average years to determine usage; how were the costs for retrofit determined, was accessory dwelling units considered, would it be a good use to fund gray water, and who does this law apply to.

Members of the public Denise Barton, Steven Johnson, Paula Larmore, Carl Lisberger, John Zinner, Mary Marlow, Cris Gutierrez, Mark Gold, Judy Abdo, and, Katiana Johnson spoke on the recommended action.

Motion by Councilmember McKeown, seconded by Mayor Winterer, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof, with an amendment to change the date certain from implementation from March 1, 2018 to implementation to July 1, 2017. The motion was approved by the following vote:

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

NOES: None

ABSENT: None

**URBAN RUNOFF
POLLUTION CONTROL**

7.B. Introduction and First Reading of an Ordinance to update and modify Chapter 7.10, Urban Runoff Pollution Control, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading the attached amendment to the Urban Runoff Pollution Control Ordinance, which would require stricter measures to remove pollutants before they enter the storm drain system. These measures would apply to new development, construction sites and existing parcels in the City.

Members of the public John Zinner, Mark Gold, Steven Johnson, Paula Larmore, and, Judy Abdo spoke on the recommended action.

Staff recommended the following minor changes to the language in the ordinance: 7.10.090(d) In the first sentence, “changing the word construction to development”; on the fourth line added after SWQDv “generated from that development”; and at the end of the subsection added, “This subparagraph (d) shall only apply to all development for which an application was deemed complete and pending on or after the effective date of the ordinance codifying this subparagraph.”

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, with amendments to the ordinance as recommended by staff. The motion was approved by the following vote:

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

**PUBLIC HEARINGS:
GROUNDWATER
SUSTAINABILITY
AGENCY**

9.A. Santa Monica Basin Groundwater Sustainability Agency Memorandum of Understanding, was presented.

Recommended Action

Staff recommends that the City Council:

1. Hold a Public Hearing for the formation of a Groundwater Sustainability Agency for the Santa Monica Groundwater Basin;
2. Adopt attached Resolution No. 11040 (CCS) acknowledging the City of Santa Monica’s election to become a Groundwater Sustainability Agency; and
3. Authorize the City Manager to negotiate and execute Memorandum of Understanding No. 10458 (CCS) establishing the Santa Monica Basin Groundwater Sustainability Agency.

Members of the public Denise Barton and Judy Abdo spoke on the recommended action.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to approve staff recommendation and reading of the resolution reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

NOES: None

ABSENT: None

RESOLUTIONS:
PREFERENTIAL
PARKING

11.A. Establishment of Preferential Parking Zone RR and Amendment of Zone U and adopt Resolution No. 11041 (CCS) entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING PREFERENTIAL PARKING ZONE RR AND AMENDING RESOLUTION 9344 CCS "PREFERENTIAL PARKING ZONES" BY REPLACING EXHIBIT A", was presented.

Staff recommends that the City Council:

1. Establish Preferential Parking Zone RR to include:
 - Fourth Street between Pico Boulevard and Ocean Park Boulevard, and Strand Street, Pacific Street, and Bay Street between Third Street and Fourth Street with the regulation "No parking 10 P.M. to 7 A.M., 2 hour parking 7 A.M. to 10 P.M., daily, except by permit", and
 - Strand Street between Fourth Street and Sixth Street with the regulation "2 hour parking 7 A.M. to 6 P.M. daily, except by permit".
2. Amend Preferential Parking Zone U to reclassify Strand Street between Fourth Street and Sixth Street from Zone U to Zone RR.
3. Approve the attached Resolution (Attachment A) establishing Preferential Parking Regulations.

Questions asked of staff regarding specific streets not being included in this parking zone, and why; are there some other options for people parking citywide, because this current level of preferential parking does not seem to be working.

Members of the public Rich Capparella, Sue Hale, Stephanie Grossmen, Joseph Ripke, Frank Schweitzer, Jeff Sharpe, Victoria Graham, Dave Taylor, and Renee Ainsworth spoke generally in favor of the recommended action.

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

Councilmembers O'Connor and O'Day stated for the record that they are voting no because they don't think Preferential Parking is the solution to the parking problem in the City, it only pushes the problem out to other streets.

The motion was approved by the following vote:

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

PUBLIC INPUT:

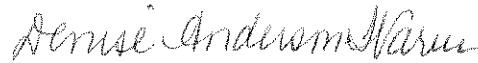
Members of the public Art Casillas and Zoe Muntaner commented on various local issues.

ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 11:36 p.m. in memory of Maria Luisa Vazquez.

ATTEST:

APPROVED:



Denise Anderson-Warren
City Clerk



Ted Winterer
Mayor