

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MAY 23, 2017

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:33 p.m., on Tuesday, May 23, 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 Pam O'Connor
Councilmember Terry O'Day
Councilmember Tony Vazquez

Also Present: City Manager Rick Cole
Interim City Attorney Joseph Lawrence
Acting City Clerk Vivian Love

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 5:33 p.m., with all members present. Councilmember O'Connor 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 5:35 p.m., to consider closed sessions and returned at 6:45 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): Southern California Edison v. City of Santa Monica, Los Angeles Superior Court Case Number BC 630 877

The Interim City Attorney recommended that Council approve a settlement in the amount of \$34,108.93, rising from an accident involving a City of Santa Monica truck colliding with a Southern California Edison guide wire that caused damaged to a transformer.

Motion by Councilmember Vazquez, seconded by Mayor Pro Tem Davis, to approve Settlement Agreement No. 10463 in the amount of \$34,108.93. 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.B. Conference with Labor Negotiator - City Negotiator: Donna C. Peter, Director of Human Resources - Bargaining Units: Administrative Team Associates (ATA), California Teamsters Local 911 (Teamsters), Management Team Associates (MTA), Public Attorneys Union (PAU), Supervisory Team Associates (STA), Municipal Employees Association (MEA), Firefighters Local 1109 IAFF (Local 1109), Fire Executive Management Association (FEMA), Police Officer Association (POA), SMART-TD

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): City of Santa Monica v. United States of American, United States District Court Case Number CV 13-08046

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): National Business Aviation, Inc., et al., v. Michael P. Huerta, Federal Aviation Administrator, U. S. Court of Appeals, District of Columbia Circuit Case No. 17-1054

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): Atwood v. City of Santa Monica et al, United States District Court, Central District of California, Western Division, Case Number 2:16-cv-04114-PA-AGR

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.

SPECIAL AGENDA ITEMS:
PRESENTATIONS

2.A. Proclamation Declaring Public Works Week from May 21-27, 2017, was presented by Mayor Winterer.

2.B. American Public Works Association Accreditation Plaque Presentation to Public Works Department, was presented by Sean Ahmed, from the American Public Works Association (APWA).

2.C. Proclamation Declaring May 2017 as Building Safety Month in the City of Santa Monica, was presented by Mayor Winterer.

2.D. Proclamation Declaring May 2017 as Mental Health Awareness Month, was presented by Mayor Winterer.

CONSENT CALENDAR:

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.

At the request of staff, Item 3-A was removed and tabled from the Consent Calendar.

Motion by Councilmember Himmelrich, seconded by Councilmember Vazquez, to approve the Consent Calendar except for Item 3-A, 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, Vazquez, McKeown, Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: None

WATER SHORTAGE RESPONSE PLAN

3.A. Update to the Water Shortage Response Plan, was tabled at the request of staff.

Recommended Action

Staff recommends that the City Council adopt the Water Shortage Response Plan resolution (Attachment A).

NETWORK SUPPORT SERVICES

3.B. Agreement for 24x7 Network Operations Center and Tier 3 Onsite Network Support services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP#108 to Mosaic451, LLC, an Arizona based company to provide 24x7 Network Operations Center network monitoring and remote support, and Tier 3 Onsite Network Support, for the City's business broadband customers;
2. Authorize the City Manager to negotiate and execute Agreement No. 10459 (CCS) with Mosaic451, LLC, in an amount not to exceed \$222,000 for one year, with four one-year renewal options on the same terms and conditions, for a total not to exceed amount of \$1,110,000 over a term of five years with future year funding contingent on Council budget approval.

REPLACEMENT PARTS FOR BUSES AND FIRE APPARATUS

3.C. Purchase of Cummins Engine Replacement Parts, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4262 to Cummins Pacific, LLC, a California-based company, for the purchase and delivery of Original Equipment Manufacturer (OEM) Cummins engine replacement parts for transit buses and fire apparatus;
2. Authorize the Purchasing Services Manager to issue a purchase order with Cummins Pacific, LLC, for OEM Cummins engine replacement parts in the amount not to exceed \$764,302 for one year, including a 10% contingency, four additional one-year renewal options to extend on the same terms and conditions, and a 2.5% increase per renewal year for a total amount not to exceed \$4,017,422 with future year funding contingent on Council budget approval.

INTERNET TELEPHONY SERVICES

3.D. Services Agreement for Citywide Internet Telephony Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP#102 to Windstream Communications, an Arkansas-based company, to provide citywide Internet Telephony service
2. Authorize the City Manager to negotiate and execute Agreement No. 10460 (CCS) with Windstream Communications, in an amount not to exceed \$202,000 for three years, with 2-additional 1-year renewal option(s) in the amount of \$135,000, on the same terms and conditions for a total amount not to exceed \$337,000, including 10% contingency over a 5-year period, with future year funding contingent on Council budget approval.

UASI GRANT FUNDS

3.E. Acceptance of 2016 Urban Area Security Initiative (UASI) Grant Funds, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to accept a grant awarded in the amount of \$749,289 from the 2016 Urban Area Security Initiative (UASI) for homeland security projects, and to accept all grant renewals.
2. Authorize the City Manager to execute all necessary documents to accept the grant and all grant renewals.
3. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

BOOKING FEES

3.F. Los Angeles County Inmate Prisoner Maintenance Booking Fees, was approved.

Recommended Action

Staff recommends that the City Council authorize the Purchasing Services Manager to issue a purchase order with the Los Angeles County Sheriff's Department (LASD), for maintenance fees related to inmates requiring housing in the Los Angeles County Jail. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080(c). The first year would be in an amount not to exceed \$40,000, with four additional one-year renewal options to extend on the same terms and conditions for a total not to exceed \$200,000 with future year funding contingent on Council budget approval.

OUTSIDE COUNSEL

3.G. Lawyer-Client Retainer Agreement for Outside Labor and Employment Counsel, was approved.

Recommended Action

1. Award RFP Number 93 to Liebert, Cassidy and Whitmore, a California professional corporation ("LCW"), for Outside Labor and Employment Counsel services; and
2. Authorize the City Manager to negotiate and execute Lawyer-Client Retainer Agreement No. 10461 (CCS) with LCW for outside labor and employment counsel services in an amount not to exceed \$1,875,000, for a five-year term.

LOW CARBON TRANSIT OPERATIONS PROGRAM

3.H. Adopt Resolution No. 11043 (CCS) entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO APPLY FOR LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) PROJECT FUNDS; AND TO EXECUTE ALL DOCUMENTS THERETO", was approved.

Recommended Action

Staff recommends that the City Council adopt a resolution for the Low Carbon Transit Operations Program, which was created to provide operating

and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility.

FARE REIMBURSEMENT AGREEMENT

3.I. Access Services Free Fare Reimbursement Agreement, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute Agreement No. 10462 (CCS) with Access Services Inc., a Los Angeles public agency, to accept Access-issued identification cards as fare payment on Big Blue Bus and to reimburse Big Blue Bus using the prevailing Council approved fares for seniors and persons with disabilities.

STUDY SESSION:
BUDGET

4.A. Financial Status Update, FY 2017-19 Proposed Biennial Budget, and FY 2017-18 Proposed CIP Budget, was presented.

Recommended Action

Staff recommends that the City Council:

1. Receive the FY 2017-18 through FY 2021-22 Financial Status Update;
2. Receive City Departments' presentations on the FY 2017-19 Proposed Biennial Budget;
3. Review and provide direction to staff on the FY 2017-19 Proposed Biennial Budget and FY 2017-18 Proposed Capital Improvement Program (CIP) Budget (Attachment A); and
4. Review and provide direction to staff on the recommendations of the Fee Study Report (Attachment D) and proposed Beach Parking rates.

2017-2019 Biennial Budget Study Session Presentations:

- . Proposed FY 2017-19 Biennial Budget and FY 2017-18 CIP
- . City Council and City Manager's Office
- . Records and Election Services
- . City Attorney
- . Public Works
- . Planning and Community Development
- . Big Blue Bus
- . Police
- . Fire
- . Housing and Economic Development

Member/s of the public Denise Barton, Zina Josephs, Shawn Landres, Kim Sidonak and Nicole Flynn provided comments on the proposed budget including increased funding for police staffing, continued funding for social services and investment in destination marketing.

Questions were asked and answered of staff about various Departmental budget presentations for purposes of clarification including such issues as addressing upcoming trends, staffing deployment, efficiencies and collaboration with both internal departments and outside organizations.

At the Special Meeting on May 24th, the remaining departments will present their budget overviews and Council will provide staff with formal direction.

ORDINANCES:
WATER USE

7.A. Second Reading and Adoption of Ordinance No. 2545 (CCS), entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTION 7.16.050 TO REQUIRE THAT NEW DEVELOPMENT OFF-SET WATER USE ON-SITE OR OFF-SITE, OR, ALTERNATIVELY, PAY THE CITY AN IN-LIEU FEE TO FUND RETROFITTING OF PLUMBING FIXTURES OFF-SITE”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance amending Municipal Code 7.16.050 with the correction as stated by the Interim City Attorney.

Interim City Attorney read into the record the correction of a typographical error in Section 7.16.050.A which should read June 30, 2017.

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to adopt the ordinance, reading by title only and waiving further reading thereof. 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

RUNOFF POLLUTION

7.B. Second Reading and Adoption of Ordinance No. 2546 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 7.10 TO UPDATE AND CLARIFY THE CITY’S RUNOFF POLLUTION ORDINANCE”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance amending Santa Monica Municipal Code Chapter 7.10.

Motion by Councilmember Himmelrich, seconded by Councilmember O’Day, 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, Vazquez, McKeown, Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: None

COUNCILMEMBER
DISCUSSION ITEMS:
OCEAN PARK
ASSOCIATION

13.A. Request of Mayor Winterer that the Council allocate from discretionary funding \$2,000 to the Ocean Park Association, a 501(c)3, to hire a professional coordinator to assist with organizing and staging of the annual Fourth of July Parade on Main Street and up to \$5,895 for city expenses related to the parade. These funds will augment funds already encumbered to OPA for the 2017 parade, was presented by Mayor Winterer.

There were no public speakers on this item.

Motion by Mayor Winterer, seconded by Councilmember McKeown, to approve the allocation of \$2,000 from City Council discretionary funding to the Ocean Park Association for the hiring of a professional coordinator to assist with the annual Fourth of July Parade and authorize up to \$5,895 for city expenses related to the parade. 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

MOBILITY PRICING
ACADEMY

13.B. Request of Mayor Pro Tem Davis that the Council approve the use of travel funds for attendance at the Mobility Pricing Academy in London from June 20-22, 2017, was presented by Mayor Pro Tem Davis.

*Councilmember O'Day
was excused at 10:54 p.m.*

Mayor Pro Tem Davis clarified that the National Resources Defense Council (NRDC) will be providing airfare, hotel and meals so travel funds will be minimal.

Member of the public Denise Barton spoke generally in opposition to the recommended action.

Motion by Councilmember O'Connor, seconded by Councilmember Vazquez, to approve the use of de minimis travel funds for Mayor Pro Tem Davis t

The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Day

**NET ZERO ENERGY
UPGRADE**

13.C. Request of Mayor Winterer, Mayor Pro Tem Davis, and Councilmember O'Day to allocate \$50,000 of Council discretionary funds to Community Corporation of Santa Monica for completion of a Net Zero Energy upgrade to 1616 Ocean Avenue and promotion of the project as a case study for sustainable housing rehabilitation that benefits tenants by reducing energy costs, increases comfort of the residences, and achieves climate pollution reduction objectives, was presented by Mayor Winterer.

Member of the public John Mimms, spoke generally in favor of the recommended action.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem Davis, to allocate \$50,000 of Council discretionary funds to Community Corporation for completion of a Net Zero Energy upgrade to 1616 Ocean Avenue and promote project as a case study of sustainable housing rehabilitation. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Day

BERGAMOT AREA PLAN

13.D. Request of Councilmembers McKeown and Himmelrich that the Council direct staff to agendize for the Planning Commission a resolution of intention to amend the Bergamot Area Plan to increase the percentage of required housing, was presented by Councilmember McKeown.

There were no public speakers on this item.

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to direct staff to agendize for the Planning Commission a resolution of intention to amend the Bergamot Area Plan to increase the percentage of required housing. The motion was unanimously approved by voice vote, with Councilmember O'Day absent.

PUBLIC INPUT:

Members of the public Babal Naderi, Denise Barton, Art Casillas commented on various local issues.

ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 11:17 p.m. in memory of Betty Yvonne Jones, Mike Strader, Jeff King and Doris Williams.

ATTEST:

APPROVED:



Vivian Love
Acting City Clerk



Ted Winterer
Mayor