

(NOT APPROVED)

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

SEPTEMBER 12, 2017

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:33 p.m., on Tuesday, September 12, 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 (*arrived at 6:00 p.m.*)  
Councilmember Terry O'Day (*arrived at 7:39 p.m.*)  
Councilmember Tony Vazquez

Also Present: City Manager Rick Cole  
City Attorney Lane Dilg  
City Clerk Denise Anderson-Warren

**CONVENE/PLEDGE**

On order of the Mayor, the City Council convened at 5:33 p.m., with all members present except Councilmembers O'Day and O'Connor. City Attorney Lane Dilg led the assemblage in the Pledge of Allegiance.

**CLOSED SESSIONS**

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

*Councilmember O'Connor arrived at 6:00 p.m.*

On order of the Mayor, the City Council recessed at 5:34 p.m., to consider closed sessions and returned at 6:32 p.m., with all Councilmember O'Day absent, to report the following:

**1.A. Conference with Labor Negotiator-City Negotiator: Donna C. Peter, Director of Human Resources-Bargaining Units: California Teamsters Local 911 (Teamsters), Fire Executive Management Association (FEMA), and SMART-TD**

The 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): 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 City Attorney advised this matter was not heard.

**1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Airbnb, Inc. and Homeaway.com, Inc. v. City of Santa Monica, United States District Court, Central District of California, Western Division, Case Numbers 2:16-cv-6645, 2:16-cv-6641**

The City Attorney advised this matter was not heard.

**1.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Dai v. City of Santa Monica, Los Angeles Superior Court Case Number BC 583 813**

The City Attorney advised this matter was a fall on the Big Blue Bus resulting in a hip injury and recommended a settlement in the amount of \$50,000.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to approve Settlement Agreement No. 10539 (CCS) in the amount of \$50,000. The motion was approved by the following vote:

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

**1.E. Conference with Legal Counsel – Potential Litigation: Consideration of whether to initiate litigation pursuant to Government Code Section 54956.9 (d)(4) – 1 case**

The City Attorney advised this matter was not heard.

**1.F. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Trevor v. City of Santa Monica, Los Angeles Superior Court Case Number BC 595 439**

The City Attorney advised this matter was an accident on an unstrapped motorized scooter during a Big Blue Bus collision, and recommended a settlement in the amount of \$54,000.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem Davis, to approve Settlement Agreement No. 10540 (CCS) in the amount of \$54,000. The motion was approved by the following vote:

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

**SPECIAL AGENDA  
ITEMS:**

**2.A. Acknowledgment of Chief Seabrooks' Retirement**, was presented by the Mayor.

Member of the public Olina Wibroe spoke and presented on behalf of the State Senator Ben Allen.

**2.B. Update on the Office of Wellbeing**, was presented by staff.

Members of the public Shawn Landres, Yesenir Monsour, Albin Gielicz, and Irma Carranza spoke in support.

**REPORT ON COUNCIL  
TRAVEL**

*Councilmember O'Day  
arrived at 7:39 p.m.*

Councilmember Vazquez reported that he traveled with the National League of Cities to a Board Retreat in Phoenix and Nogales, Arizona as well as Nogales, Mexico. They visited both sides of the border to see some of the large industrial complexes, which has brought prosperity to that area. He also participated in a conference in Hildago, Mexico that was hosted by an international environment group that was formed in Brazil. He attended as a representative of the National League of Cities, so there was no cost to the city.

Councilmember O'Connor reported that she traveled to Burlington, Vermont and participated in the Mayor's Innovation Project, hosted by the City of Burlington. Topics covered included: Municipal response to the opioid epidemic; Land Use and Inequality; How cities are faring under the current Federal Administration; 21<sup>st</sup> Century Policing; Net Zero cities; Innovation Showcases from various cities. She also traveled to Washington, DC with the California Transit Association, to promote continued funding of transportation, which means an investment in public transportation is also an investment in jobs; the Alternative Fuel Tax Credit, and how that still needs to be provided in any transportation infrastructure package. She remained in Washington, D.C. with the National League of Cities. Topics discussed with members of Congress included: Continuing Community Block Grants, Tiger Grants, Educational Programs, Energy Efficiency, Protecting Municipal Bonds, and, Investing in Municipal Government.

**CONSENT CALENDAR:**

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

Members of the public Denise Barton, Ann Bowman, Zina Josephs, Nikki Kolloff, and Jaleh Mamita commented on various Consent Calendar items.

At the request of Councilmember Himmelrich, Item 3-K was removed from the Consent Calendar, and Item 3-E was pulled from the agenda at the request of staff.

Motion by Councilmember McKeown, seconded by Councilmember O’Day, to approve the Consent Calendar except for Items 3-E and 3-K, 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

**PLUMBING CONTRACT SERVICES**

**3.A. Contractual Service Agreement for Plumbing Contractor Services,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #4281 to Plumbing by Todd R. Marsh, Inc., a California-based company, and Horn’s Backflow & Plumbing Service, Inc., a California-based company, for plumbing contractor services;
2. Authorize the City Manager to negotiate and execute Agreement No. 10531 (CCS) with Plumbing by Todd R. Marsh, Inc., in an amount not to exceed \$200,000 for one year, with two additional two-year renewal options in the amount of \$840,808 including an increase of 2% each year, for a total amount not to exceed \$1,040,808 over a five-year period, with future year funding contingent on Council budget approval; and
3. Authorize the City Manager to negotiate and execute Agreement No. 10532 (CCS) with Horn’s Backflow & Plumbing Service, Inc., in an amount not to exceed \$45,000 for one year, with two additional two-year renewal options, in the amount of \$45,000, on the same terms and conditions for a total amount not to exceed \$225,000 over a five-year period, with future year funding contingent on Council budget approval.

**GRAFFITI REMOVAL SERVICES**

**3.B. Contract Award for Graffiti Removal Services**, was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #4280 to Woods Maintenance Services (dba Graffiti Control Systems), a California-based company, for graffiti removal services;
2. Authorize the City Manager to negotiate and execute Agreement No. 10533 (CCS) with Graffiti Control Systems in an amount not to exceed \$68,640 (including a \$6,240 contingency) for one year, with four additional one-year renewal options in the amount of \$68,640 plus a 2% increase per year, for a total amount not to exceed \$357,205 over a five-year period, with future year funding contingent on Council budget approval.

**CUSTODIAL SERVICES**

**3.C. Contract Award for Citywide Custodial Services**, was approved.

**Recommended**

**Action**

Staff recommends that the City Council:

1. Award Bid #4272 to UNISERVE Facilities Services Corp., a California-based company, for custodial services for various City locations, as required by the Custodial Services Section; and
2. Authorize the City Manager to negotiate and execute Agreement No. 10534 (CCS) with UNISERVE Facilities Services Corp. in an amount not to exceed \$1,488,016 (including a 20% contingency) for one year, with four additional one-year renewal options for a total amount not to exceed \$7,713,321 over a five-year period, with future year funding contingent on Council budget approval.

**PIER UPGRADE**

**3.D. Award a Construction Contract for Pier Railing and Lighting Replacement and Area 4 Decking Upgrade**, was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #2465 to John S. Meek Company, Inc. a California-based company, for the Santa Monica Municipal Pier Railing and Lighting Replacement and Area 4 Deck Upgrade;
2. Authorize the City Manager to negotiate and execute Contract No. 10535 (CCS) with John S. Meek Company, Inc. in an amount not to exceed \$1,483,327 (including a \$193,477 contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

**PLASTIC BINS**

**3.E. Award Bid for Purchase of 2-, 3-, and 4-yard Plastic Bins**, was pulled at the request of staff.

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #4275 to Ball, Bounce, and Sports Inc., d/b/a Hedstrom Environmental, an Ohio-based company, for the purchase of 2-, 3-, and 4-yard plastic bins;
2. Authorize the Purchasing Services Manager to issue a purchase order with Ball, Bounce, and Sports Inc. d/b/a/ Hedstrom Environmental for the purchase of 2-, 3-, and 4-yard plastic bins in the amount not to exceed \$625,000 for one year (including \$27,500 for taxes), with four-additional one-year renewal options in the amount of \$336,000 for the first renewal and an annual increase of approximately 3% thereafter, for a total amount not to exceed \$2,030,800 with future year funding contingent on Council budget approval.

**4TH STREET PHASE II PROJECT**

**3.F. Reject Proposal and Re-advertise Request for Proposal (RFP) for Design of 4th Street Phase II Project**, was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Reject the single proposal for Request for Proposal (RFP) #123 to provide professional design services for the 4th Street Phase II Project; and
2. Direct staff to re-advertise the RFP to obtain the best bidder to provide professional design services for the 4th Street Phase II Project.

**BILL REVIEW SERVICES**

**3.G. First Modification for Workers Compensation Medical Bill Review Services Contract**, was approved.

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #9650 with InterMed Cost Containment Services, a California-based company, for workers' compensation medical bill review services. This modification will extend the agreement's term by one year (and result in a six-year amended agreement); all other terms and conditions, including the total not to exceed amount of \$750,000, will remain the same.

**GRAPHIC DESIGN SERVICES**

**3.H. Professional Services Agreement Modification for Graphic Design Services with Selbert Perkins Design for Wayfinding Project**, was approved.

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #10239 in the amount of \$49,990 with Selbert Perkins Design, a California-based company, for graphic design services of Downtown Parking Wayfinding Signage, Citywide First-Last Mile Signage, and Citywide Signage and Wayfinding Guidelines. This will result in a seven year amended contract/agreement with a new total amount not to exceed \$229,890.

**1550 BEACH LOT**

**3.I. License Agreements with Doctors Without Borders for use of a portion of the 1550 Beach Lot and with Film Independent for the 2018, 2019 and 2020 Independent Spirit Awards, was approved.**

**Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute License Agreement No. 10536 (CCS) with Doctors Without Borders/Médecins sans Frontières to use a portion of the 1550 Beach Parking Lot for an exhibition, *Forced from Home*, from November 11 to November 20, 2017.
2. Authorize the City Manager to negotiate and execute License Agreement No. 10537 (CCS) with Film Independent to use a portion of the 1550 Beach Parking Lot for the Independent Spirit Awards from February 21 to March 7, 2018, and to return on tentative dates of February 12 to February 27, 2019 and February 12 to February 27, 2020.

**PURCHASE ORDER**

**3.J. Authorization to Continue to Purchase Passenger and Light-Duty Tires from Byron Woodley Tire, was approved.**

**Recommended Action**

Staff recommends that the City Council authorize the Purchasing Services Manager to increase the purchase order amount with Byron Woodley Tire, a California-based company, for the purchase and delivery of various passenger and light-duty tires and tubes, by an additional \$213,332 and extend the purchase order for one-and-a-half years through January 14, 2019, for a revised total amount not to exceed \$423,332, with future year funding contingent on Council budget approval.

**SENIOR ADVISOR**

**3.L. Request for a Senior Advisor on Homelessness, was approved.**

**Recommended Action**

Staff recommends that the City Council approve the addition of a full-time employee to the City Manager’s Office to act as Senior Advisor for Homelessness, adopt a resolution, and authorize the budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

**MINUTES**

**3.M. Minutes for the City Council - Regular Meeting - Jul 11, 2017 5:30 PM, were approved.**

**MINUTES**

**3.N. Minutes for the City Council - Special Meeting - Jul 25, 2017 4:30 PM, were approved.**

**SWIP PROJECT**

**3.K. Authorization for the City Manager to Accept Funding Agreement No. 10538 (CCS) from the State Water Resources Control Board Clean Water State Revolving Fund Program for the Sustainable Water Infrastructure Project (SWIP) and Authorization to Negotiate and Execute an Agreement with MWH/Stantec Consulting to Serve as Owner's Engineer for the SWIP Project, was presented.**

**Recommended Action**

Staff recommends that the City Council:

- 1) Authorize the City Manager to accept and execute a funding agreement in the amount of \$56,885,903 from the State Water Resources Control Board (State Water Board) Clean Water State Revolving Fund (CWSRF) program for the City of Santa Monica's Sustainable Water Infrastructure Project (SWIP), and to accept all renewals.
- 2) Authorize the City Manager or his/her designee to execute all necessary documents to accept the funding agreement and all renewals.
- 3) Authorize the Director of Public Works, as the City's Authorized Representative pursuant to State Water Resources Control Board requirements, to issue any necessary amendments to the agreement within contract authority.
- 4) Award RFP# SP2456 to MWH/Stantec, a California-based company, to serve as the Owner's Engineer for the SWIP.
- 5) Authorize the City Manager to negotiate and execute Agreement No. 10541 (CCS) with MWH/Stantec, in an amount not to exceed \$1,649,920 (including a 10% contingency of \$149,992) over a 5-year period.

Councilmember Himmelrich pulled this item to address questions regarding the tank underneath the Civic Parking lot, and how that tank will accommodate the various plans for the parking lot, so that there is some flexibility in what the city plans to do at the Civic Center.

Motion by Councilmember Himmelrich, seconded by Mayor Winterer, to approve the recommended action.

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

**ORDINANCES:**  
**TEMPORARY**  
**SIDEWALK SALES**

**7.A. Adoption of Emergency Interim Ordinance No. 2554 (CCS) entitled,** “AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE ISSUANCE OF ADDITIONAL TEMPORARY USE PERMITS FOR TEMPORARY SIDEWALK SALES UNDERTAKEN IN CONJUNCTION WITH A CITY PUBLIC STREET EVENT BY BUSINESS IMPROVEMENT DISTRICTS AND AREAS AND BY BUSINESSES LOCATED WITHIN A SEVEN HUNDRED FIFTY FOOT RADIUS OF THE CITY EVENT AND WAIVING THE FILING FEE FOR TEMPORARY USE PERMITS THAT WILL BE EXERCISED CONTEMPORANEOUS WITH AND IN CONJUNCTION WITH THE CITY PUBLIC STREET EVENT BY THESE ENTITIES; DECLARING THE PRESENCE OF AN EMERGENCY”, was presented.

**Recommended Action**

Staff recommends that the City Council:

Adopt the Emergency Interim Ordinance and Waive the filing fee for Temporary Use Permits that will be exercised in conjunction with and contemporaneous with the City public street event by these entities.

Members of the public Denise Barton, Zoe Muntaner (time donated by Maryanne LaGuardia, Cynthia Anderson-Barken, Barbara Nazario, and Sofia Nazario spoke on the recommended action.

Question asked and answered of staff included, why are only two of these events allowed each year.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, 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

**CHARGING STATIONS**

**7.B. Introduction for First Reading of an Ordinance setting forth an Expedited and Streamlined Permitting Process for Electric Vehicle Charging Stations as required by Government Code Section 65850.7,** was presented.

**Recommended Action**

Staff recommends that the City Council introduce for first reading the attached ordinance (Attachment A) which sets forth an expedited, streamlined permitting process for electric vehicle charging stations in compliance with State law.

*Councilmember O’Day was excused at 8:09 p.m.*

Councilmember O’Day recused himself to avoid any conflicts of interest, as he works in this type of business.

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

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. 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

**COUNCILMEMBER DISCUSSION ITEMS:**  
**ANNUAL APPOINTMENTS - CONTINUED**

**13.A. Annual Appointments to Boards and Commissions**, was presented.

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

*Councilmember O’Day returned at 8:12 p.m.*

<b>Board/Commission</b>	<b>No. of Appointments</b>
<b>Architectural Review Board</b>	<b>1</b>

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

Mayor Pro Tem Davis nominated Patrick Tighe.

There being no other nominations, Patrick Tighe was appointed to the Architectural Review Board for a term ending June 30, 2021 by acclamation, with all members present.

<b>Disabilities Commission</b>	<b>2</b>
<i>(One position must be filled by a person with self-identified disabilities)</i>	

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

Councilmember McKeown nominated Lauri Ringer.

There being no other nominations, Lauri Ringer was appointed to the Disabilities Commission for a term ending June 30, 2021 by acclamation,

with all members present. Ms. Ringer will fill the position with the special requirement.

On order of the Mayor, the floor was opened for nominations for the second Disabilities Commission appointment.

Councilmember Himmelrich nominated Dee Cappelli  
Mayor Pro Tem Davis nominated Bruce Warx

Dee Cappelli was appointed by the following votes:

Cappelli: Councilmembers Himmelrich, Vazquez, McKeown,  
Mayor Winterer

Warx: Councilmembers O'Connor, O'Day, Mayor Pro Tem Davis

Councilmembers O'Connor, O'Day, and Mayor Pro Tem Davis changed their votes to Cappelli, thereby appointing Dee Cappelli by acclamation to the Disabilities Commission, with all members present.

**Personnel Board** **1**  
*(term ends on June 30, 2022)*

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

Mayor Winterer nominated Bud Pell.

There being no other nominations, Bud Pell was appointed to the Personnel Board for a term ending June 30, 2022 by acclamation, with all members present.

**TASK FORCE ON THE ENVIRONMENT**

**13.B. Appointment to one unscheduled vacancy on the Task Force on the Environment**, was presented.

Member of the public Andrew Hoyer spoke on this item.

On order of the Mayor, the floor was opened for nominations for the Task Force on the Environment appointment.

Councilmember McKeown nominated Garen Baghdasarian  
Mayor Pro Tem Davis nominated Carter Rubin  
Councilmember Himmelrich nominated Andrew Hoyer

Garen Baghdasarian was appointed by the following votes:

Baghdasarian: Councilmembers McKeown, O'Day, Vazquez,  
Mayor Winterer

Hoyer: Councilmember Himmelrich  
Rubin: Councilmember O'Connor, Mayor Pro Tem Davis

Councilmembers Himmelrich, O'Connor, and Mayor Pro Tem Davis changed their votes to Baghdasarian, thereby appointing Garen Baghdasarian by acclamation to the Task Force on the Environment for a term ending June 30, 2019, with all members present.

**SOCIAL SERVICES  
COMMISSION**

**13.C. Recommendation to accept Anthony Perez's resignation from the Social Services Commission and authorize the City Clerk to publish the vacancy, was presented.**

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

Motion by Councilmember Himmelrich, to accept the resignation with regret.

The motion was approved by acclamation, with all members present.

**DISCRETIONARY FUNDS**

**13.D. Request of Mayor Winterer that the Council allocate discretionary funds to the Houston relief effort via the Greater Houston Community Foundation at [www.ghcf.org](http://www.ghcf.org), per the request of Houston Mayor Sylvester Turner in a letter to the members of the US Conference of Mayors, was presented.**

Discussion ensued on the following, including, but not limited to: how much should be given, considering what has happened in Florida and other places since the disaster in Houston; there needs to be consideration as to how much is being given, and how giving would benefit Santa Monica.

The Mayor expressed that since the National election, engagement with the Mayors, there is a host of issues that cities feel like they are working on their own without the help of D.C. Whether climate change, immigration, or infrastructure improvements, we all realize that we need to bond together for a common agenda, that a large proportion of the gross domestic product is generated with cities, and we have these shared interest that are not shared by the current Administration in Washington, D.C. And we would hope that if we should ever have a natural disaster of a similar magnitude here, that cities across the country would want to reach out and lend us a helping hand.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem Davis, to approved allocating \$10,000 to the Houston relief effort. 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

**PUBLIC INPUT:**

Members of the public Tori Rhoades (time donated by Ramone Barba), Denise Barton, Zina Josephs, Nikki Kolhoff, Ann Hoover, Jaleh Marrida, Valerie Griffin, Maryanne LaGuardia, and Art Casillas commented on various local issues.

**ADJOURNMENT**

On order of the Mayor, the City Council meeting was adjourned at 8:57 p.m. in memory of Betty Sheinbaum.

ATTEST:

APPROVED:

Denise Anderson-Warren  
City Clerk

Ted Winterer  
Mayor

DRAFT