

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

SEPTEMBER 26, 2017

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:32 p.m., on Tuesday, September 26, 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 5:57 p.m.*)
Councilmember Terry O'Day
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 5:32 p.m., with all members present except Councilmember O'Connor. Anuj Gupta, Deputy City Manager led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

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

*Councilmember Vazquez
arrived at 6:41 p.m.*

On order of the Mayor, the City Council recessed at 5:34 p.m., to consider closed sessions and returned at 6:40 p.m., with all members present, except Councilmember Vazquez, 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): Armstrong v. City of Santa Monica, Los Angeles
Superior Court Case Number BC 620 395**

The City Attorney advised this was a trip and fall accident located in the 1800 block of Wilshire, and recommended a settlement in the amount of \$160,000.

Motion by Mayor Pro Tem Davis, seconded by Councilmember O'Day, to approve Settlement Agreement No. 10555 (CCS), in the amount of \$160,000. 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

**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, C.D. Cal., No. 2:13-CV-08046-JFW-VBK**

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

**1.C. Conference with Legal Counsel – Anticipated Litigation –
Anticipate significant exposure to litigation pursuant to Government
Code Section 54956.9(d)(2): 1 case**

The 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): Karen Thompson v. Kelly Soo Park, U.S.
Supreme Court, No. 17-294; U.S. Court of Appeals, Ninth Circuit, No.
14-56655; U.S. District Court, C.D. Cal., No. 2:14-cv-00330-SJO-RZ**

The 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): 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 heard with no reportable action taken.

**1.F. 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 with no reportable action taken.

**SPECIAL AGENDA
ITEMS:**

2.A. Los Angeles County Clerk presentation of Voting Systems Assessment Project (VSAP), was presented by Dean Logan, L.A. County Registrar-Recorder.

**REPORT ON COUNCIL
TRAVEL**

Councilmember O'Connor reported that she traveled to San Francisco to participate in the California Transit Association's board meeting, where discussions included: the on-going transportation, electrification issues, and dealing with the Air Resources Board, and how to help transit agencies move forward and get funding to support; SB1 Transportation Funding Bill that passed which provides on-going funding and new funding sources dedicated for transit agencies throughout the state, and how now there is a threat of referendum to that legislation; the California Cap and Trade Funding, and how that funding can be used for transit uses; and the beginnings of advocacy for legislation for the next year at a State and Federal level to support transportation and transit uses. She was also in Sacramento for the California League of Cities local government commission board meeting, where they talked about organizational issues, Climate change, Cap and Trade funding, and moving forward.

Councilmember Vazquez reported that he traveled to Sacramento to represent the city for the California League of Cities, and attended workshops that dealt with legislation here in California. The Councilmember noted that it was refreshing to see an increase of younger, newly elected officials in a lot of the municipalities, and that allowed him an opportunity to be a mentor to some of them.

Councilmember McKeown, reported that he traveled to the National Railvolution Conference in Denver, where there was a lot more social equity focused this time. The workshops attended focused on: producing truly affordable deed restricted housing near transit lines; how to avoid gentrification and displacement of existing residents; autonomous vehicles and future parking needs and traffic challenges; and vision Zero work on biking and walking safety.

STAFF INTRODUCTIONS

The City Manager introduced Anju Gupta as the new Deputy City Manager.

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.

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

**POLICE DEPARTMENT
VEHICLE**

3.A. Contract Modification with Airwave Communications for Police Department Vehicle Upfitting, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #9989 (CCS) with Airwave Communications Enterprises, a California-based company, to provide labor and equipment associated with upfitting Police Department vehicles for two additional years, through October 27, 2019. This will result in a five-year amended agreement with no change to the total not to exceed amount of \$2,376,000.

**INFORMATION
TECHNOLOGY SERVICE**

3.B. Software License Agreement for ISD Service Management System, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #117 to Carahsoft Technology Corporation, a Virginia-based company, for the purchase and implementation of the Information Technology Service Management (ITSM) solution, ServiceNow.
2. Authorize the City Manager to negotiate and execute Agreement No. 10549 (CCS) with Carahsoft Technology Corporation, in an amount not to exceed \$1,017,000 (including \$88,000 contingency), over a five-year period, with future year funding contingent on Council budget approval.

HVAC UNITS

3.C. Bid Award for the Purchase of Heating, Ventilation and Air Conditioning (HVAC) Units and Supplies, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4283 to Howard Industries, a California-based company, for the purchase of heating, ventilation and air conditioning units and supplies for the Facilities Maintenance

Division;

2. Authorize the Purchasing Services Manager to issue a purchase order with Howard Industries for the purchase of heating, ventilation and air conditioning units and supplies in an amount not to exceed \$75,000 for one year, with two additional two-year renewal options, with an annual increase of 2%, for a total amount not to exceed \$390,303 over a five-year period, with future year funding contingent on Council budget approval.

**GENERAL
CONTRACTING
SERVICES**

3.D. Contract Award for General Contracting Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4285 to RAMCO General Engineering Contractor, a California-based company, for general contracting services as required by the Facilities Maintenance Division;
2. Authorize the City Manager to negotiate and execute Agreement No. 10550 (CCS) with RAMCO General Engineering Contractor, in an amount not to exceed \$380,000 for one year, with two additional two-year renewal options with a 2% increase per year for years three through five, for a total amount not to exceed \$1,946,211 over a five-year period, with future year funding contingent on Council budget approval.

TILE CONTRACTOR

3.E. Reject Bid for Tile Contractor Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Reject the only bid for Bid #4282 for tile contractor services as required by the Facilities Maintenance Division;
2. Direct staff to reissue a bid in order to obtain the best bidder for tile contractor services.

**PARKING STRUCTURE
NO. 5**

3.F. First Modification of Construction Contract for Parking Structure No. 5 Tenant Improvement Project, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to agreement #10417 (CCS) in the amount of \$96,315 (including a 10% contingency) with West Valley Investment Group, Inc. (WVIG), a California-based company, for additional construction services to address accessibility and safety improvements for the Parking Structure No. 5 Tenant Improvement Project, as required by the Architectural Services Division. This would result in an amended agreement with a new total amount not to exceed \$4,016,715,

with future year funding contingent on Council budget approval.

SAFE ROUTES TO SCHOOL

3.G. Contract Approval for Design Services for Safe Routes to School Pedestrian Improvements at Four Schools, was approved.

Recommended Action

Staff Recommends that the City Council:

1. Award RFP #2017- 127 to Anderson Penna, a California based company, to provide engineering design services for the Safe Routes to School Pedestrian Improvements, as required by the Mobility Division, for John Adams and Lincoln Middle Schools, Roosevelt Elementary School and the Will Rogers Learning Community school.
2. Authorize the City Manager to negotiate and execute professional services Agreement No. 10551 (CCS) with Anderson Penna in an amount not to exceed \$149,126 (including a \$19,452 contingency).

CITY TV EQUIPMENT

3.H. Award Bid for the Purchase and Install of City TV Master Control & Production Equipment Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2250 to First Fire Systems, Inc., a California-based company, to purchase and install equipment for the City TV Master & Production Control Equipment Project, as required by the Architectural Services Division;
2. Authorize the City Manager to negotiate and execute Contract No. 10552 (CCS) with First Fire Systems, Inc. in an amount not to exceed \$468,695 (including 10% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

436 PIER AVENUE

3.I. Resolution No. 11076 (CCS) entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL SUBDIVISION MAP FOR PARCEL NUMBER 74307 TO SUBDIVIDE PROPERTY AT 436 PIER AVENUE", was adopted.

Recommended Action

Staff recommends that the City Council adopt attached Resolution No. 11076 (CCS) approving Final Parcel Map No. 74307 for 436 Pier Avenue.

LANDING FEE EQUIPMENT

3.J. Approval of Second Modification to Agreement with Vector Airport Services for Relocation of Landing Fee Equipment, was approved.

Recommended Action

Staff recommends that the City Council:

- 1) Authorize the City Manager to negotiate and execute a second modification to Professional Services Agreement No. 10071(CCS) with Vector Airport Systems, a Virginia-based company, to include repositioning of on-site equipment to provide for the photo capture of aircraft operations used to assess landing fees at Santa Monica Airport (SMO), and installation of equipment to capture aircraft over runs for an additional amount of \$134,322 including two one-year options for \$5,000 in annual maintenance costs. This will result in a three-year amended agreement with two one-year options to renew for an estimated total amount not to exceed \$1,240,484. The actual total contract amount will vary as Vector’s commission is based on actual landing fee revenues collected. Renewals are at the sole discretion of the City, with future year funding contingent on Council budget approval.
- 2) Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

**MULTIPURPOSE
SPORTS FIELD**

3.K. Agreement Modification No. 1 to Provide Schematic and Design Development Services for the Civic Center Multipurpose Sports Field, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to Agreement No. 10553 (CCS) in the amount of \$94,198 (including a 10% contingency) with RJM Design Group, Inc., a California-based company, for schematic and design development services required to complete the design for the Civic Center Multipurpose Sports Field Project. This would result in an amended agreement with a new total amount not to exceed \$170,138.

BANKING SERVICES

3.L. Award Contract for Banking Services, was approved.

Recommended Action

Staff recommends that the City Council:

- 1. Award RFP# 120 to MUFG Union Bank, N.A., a California-based company, to provide banking services.
- 2. Authorize the Director of Finance/City Treasurer to negotiate and execute Agreement No. 10554 (CCS) with MUFG Union Bank, N.A. in an estimated amount of \$300,000 over a five-year period, with future year funding contingent on Council budget approval.
- 3. Authorize the City Manager to negotiate and execute a second modification to contract #9669 in an estimated amount of \$75,000 with Wells Fargo Bank, a California-based company, to provide

banking services on a month-to-month basis expiring no later than June 30, 2018. This will result in an amended five-year and three-month agreement with a new total estimated amount not to exceed \$450,000.

**EMPLOYMENT
CONTRACTS**

3.M. Contract for Service as Assistant City Manager/Chief Operating Officer and Deputy City Manager/Director of Policy, was approved and adopted.

Recommended Action

Staff recommends that the City Council:

Approve and adopt Resolution No. 11077 (CCS) of the proposed Employment Agreements with Katie Lichtig as Assistant City Manager/Chief Operating Officer and Anuj Gupta as Deputy City Manager/Director of Policy, and authorize the City Manager to execute the agreements. The Agreements will establish Ms. Lichtig's salary at \$22,959 per month and Mr. Gupta's salary at \$14,667 per month.

MINUTES

3.N. Minutes for the City Council - Regular Meeting - Jul 25, 2017 5:30 PM, were approved.

**STUDY SESSION:
AIRPORT RUNWAY**

4.A. Options for the Removal of Excess Runway Pavement at Santa Monica Airport, was presented.

Member of the public Zina Josephs commented on this item.

Questions asked and answered of staff included the following: would the runway have to be closed under all options; how much maintenance would be required for the various options; what are the environment impacts of the three different surfaces; and, if an airplane overruns the shortened runway and destroys it, would the pilot be liable.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to give staff direction for the preference to Option 1 to remove all unused pavement outside the Runway Safety Areas (RSA) and hydro-seed. Pulverize in place and stabilize pavement within the RSA, and direct staff to come back with the next steps to removing the pavement in a matter that is consistent with public safety and Consent Decree. The motion was unanimously approved by voice vote.

**ECONOMIC
SUSTAINABILITY**

4.B. Strategy for Long-Term Economic Sustainability, was presented.

Recommended Action

Staff recommends that Council review and provide direction regarding the scope of a strategy to address Santa Monica's long-term economic sustainability.

Members of the public Jerry Rubin, Diane forte, Denise Barton, Carl Hansen, Kathleen Rawson, Johnathan Foster, Misti Kerns, Mary Marlow, and Hannah Levy.

Questions asked and answered included: should this city take and or use private corporate, non-profit sponsorship funds or partnerships to pay for this type of research, and when is that acceptable or not acceptable; if there is a thoughtful way to use corporate money; there should be a clear distinction between partners and sponsors, between involvement and influence; to make sure that there are no Brown Act violations, maybe have a meeting where those companies would come and present to all of the stakeholders at a larger venue, like the Broad that would allow dialogue and presentation for all concerned; this is more about what are the challenges we see in the future;

Considerable discussion ensued on topics including, but not limited to: how do we create the future, we need to be more nimble, and something we need to look at, how do we establish processes to adapt to change, not only what do we need to plan, but instead, how do we plan for change; we have to learn to be risk takers; the Scope will have to be broad to allow for integration; consider building more housing, hotels, which will bring in more revenue; there has to be a strong community interaction, including a strong educational component, involving citizens for the upcoming changes; The Creative Capital Study might be something to consider; need to look at the impact of autonomous vehicles on the city, which could help determine planning; the impact of marijuana usage and how will that impact tourism, maybe marijuana bars; actively pursue a mix of external and internal viewpoints on what are our strengths, weaknesses, and possibilities; an honest inventory of who we are in Santa Monica; there's an opportunity for some sort of music and/or art venues in the Downtown area; need to be looking 10 years into the future, not 20 or 25 years; people are not being prepared for jobs of the future by creating relationships between the schools and universities with the tech companies, in order to help get people trained; before going forward, there is an element to going back, by looking at some of the previous studies that have already looked at on these topics; need people who are revolutionary in thoughts; need to be visionary; look within the community who are thinking outside the box, and are working in unfamiliar fields; there are procedures that limit full growth, so committees should be established as task forces for a short term, with a specific task; the framework should be flexible to evolve; look at ways to use our community spaces for cultural and entertainment; build on relationships with Universities, and other education establishments; possible manufacturing of marijuana; restrain the scope to take a quick look at the mega-trends that are hitting the city, and build a diagram on how the city could move forward; get input from other professors, scholars, and

colleges who have already done this type of work; look at what type of infrastructure support will be needed; it wouldn't be prudent to look further than 5 – 10 years down the road; look at drone uses; beach grooming practices as we deal with climate change; consult with some futurist at public meetings to discuss the broader impact on the community; get some different points of views from outsiders; do this as inexpensively as possible to start, then allocate funding depending on what is learned; and, look broadly at future trends; there are foundations and organizations that have already done this work, who are looking broadly at this futurist work; and some concerns about taking corporate money to fund this study, versus philanthropic or non-profit interest.

A consensus of the Council received and filed information, and provided direction to staff.

ORDINANCES:
ELECTRIC VEHICLE
CHARGING STATIONS

*Councilmember O'Day
was excused at 9:41p.m.*

7.A. Second Reading and Adoption of Ordinance No. 2555 (CCS) entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING PROCESSING FOR ELECTRIC VEHICLE CHARGING STATIONS", was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance adding Section 8.08.230.

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

STAFF
ADMINISTRATIVE
ITEMS:
SEWER SYSTEM
MASTER PLAN

8.A. Approval of Sanitary Sewer System Master Plan, was presented

Recommended Action

Staff recommends that the City Council approve the 2017 Sanitary Sewer System Master Plan.

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

A question was asked and answered of staff about whether or not we are threatened by fatbergs in our sewer system.

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

RESOLUTIONS:
PREFERENTIAL
PARKING

11.A. Establishment of Preferential Parking Zone SS on portions of Virginia Avenue, Kansas Avenue, 27th Street, Stewart Street, and Frank Street, and adoption of Resolution No. 11078 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA CREATING PREFERENTIAL PARKING ZONE SS AND AMENDING RESOLUTION 9344 CCS “PREFERENTIAL PARKING ZONES” BY REPLACING EXHIBIT A”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Establish Preferential Parking Zone SS to include:
Virginia Avenue between Cloverfield Boulevard and 27th Street, Kansas Avenue between Cloverfield Boulevard and Stewart Street, 27th Street between Virginia Avenue and Kansas Avenue, Stewart Street between Kansas Avenue and the Santa Monica Freeway, and Frank Street between Virginia and the Santa Monica Freeway with the regulation “No parking 6 P.M. to 7 A.M., 2-hour parking 7 A.M. to 6 P.M., daily, except by permit”; and
2. Adopt the attached Resolution (Attachment A) establishing Preferential Parking Regulations.

Members of the public Drew Clayton, Mariana Antunano, Roxana Ramirez, David P. Brown, and Keith Barefoot spoke on the recommended action.

Questions asked and answered of staff included: will this impact after hour events at the Edison Language Academy; will the school be able to request additional parking passes, if they have a need to request additional parking; who is responsible for creating street and parking signs, and, when this parking study was done, did it include the new Whole Foods 360, and the impact of employee parking.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, 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: Councilmember O'Connor
ABSENT: Councilmember O'Day

Councilmember O'Connor's voted no because the map shows that almost every street in area is now limited parking, so this is not the solution to the parking problem, it's probably pushed some of the parking problem on to these streets, because everything else around it has been Preferential Parking, and now it needs it. She sympathizes and understands their concerns, but again Preferential Parking Zones are not the answer to this problem, and we've made a mistake going down this path.

COUNCILMEMBER
DISCUSSION ITEMS:
DACA STUDENTS

13.A. Request of Mayor Winterer, Mayor pro tem Davis, and Councilmember McKeown that the Council support Santa Monica Dreamers by allocating up to \$25,000 in matching funds from the Council contingency account to the non-profit Santa Monica College Foundation or other appropriate non-profits, to assure that all Santa Monica DACA students who qualify can afford the fee to renew their DACA status by the October 5th deadline, and remain in our Santa Monica community for another two years; and that the Council go on record supporting permanent legalization of DACA students, directing staff to convey that City of Santa Monica support to all appropriate Federal and State representatives, was presented.

Members of the public Johnathan Foster and Laila Taslimi, spoke on the recommended action.

Question asked and answered of staff included, what is the number of people who qualify for this in Santa Monica.

Motion by Councilmember McKeown, seconded by Councilmember Vazquez, to adopt the staff recommendation. 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

AIRPORT COMMISSION

13.B. Recommendation to accept Suzanne Paulson's resignation from the Airport 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 Mayor Winterer, seconded by Councilmember Himmelrich, to accept the resignation with regret.

The motion was approved by voice vote, with Councilmember McKeown voting no, and Councilmember O'Day absent.

Councilmember McKeown stated his No vote was because Ms. Paulson submitted her resignation because she was misled into thinking that this would somehow affect the ability of the city to do an air quality study. He didn't think her resignation was in anyway necessary, and he really regrets that she chose to do this.


PUBLIC INPUT:

Members of the public Denise Barton, John Jewell, Art Casillas, Johnathan Foster, and David Fetterman commented on various local issues.


ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 10:36 p.m. in memory of Elsie Wong.

ATTEST:


Denise Anderson-Warren
City Clerk

APPROVED:


Ted Winterer
Mayor

