

(NOT APPROVED)

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

DECEMBER 5, 2017

A special meeting of the Santa Monica City Council was called to order by Mayor Pro Tem Davis at 5:34 p.m., on Tuesday, December 5, 2017, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Pro Tem Glean Davis
Councilmember Sue Himmelrich
Councilmember Kevin McKeown
Councilmember Pam O'Connor (*arrived at 6:20 p.m.*)
Councilmember Tony Vazquez

Absent: Mayor Ted Winterer
Councilmember Terry O'Day

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

CONVENE/PLEDGE On order of the Mayor Pro Tem, the City Council convened at 5:34 p.m., with all members present except Councilmembers O'Day, O'Connor, and Mayor Winterer. Deputy City Attorney Yiben Shen led the assemblage in the Pledge of Allegiance.

AGENDA MANAGEMENT Councilmember McKeown stated that based on information he received this afternoon from counsel, he believes it may be legally prudent for the Council to continue Item 6.A.

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to continue Item 6.A.

Questions asked and answered about whether or not the item needed to be moved to a specific date. Guidance was given to either move it to a date certain or to postpone it and modify the date later.

Councilmember McKeown, modified his motion to continue this item until January 9, 2018.

Staff recommended scheduling this item to come back at the second meeting in January.

Councilmember McKeown modified his motion a second time to continue Item 6.A. to January 23, 2018. This was considered friendly to the seconder. The motion was approved by voice vote, with Councilmembers O'Connor, O'Day, and Mayor Winterer absent.

CLOSED SESSIONS

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

On order of the Mayor, the City Council recessed at 5:41p.m., to consider closed sessions and returned at 6:41 p.m., with Mayor Winterer and Councilmember O' Day absent, 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): 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 heard with no reportable action taken.

1.B. Conference with Legal Counsel - Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 2 cases - 1)1413 Palisades Beach Road; 2) 1405 Palisades Beach Road

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

SPECIAL AGENDA ITEMS:

2.A. City Manager's Report: Tis the Season to Buy Local - A Report on Initiatives of the Buy Local SM Committee, was presented.

REPORT ON COUNCIL TRAVEL

There was nothing to report on Council travel.

CONSENT CALENDAR:

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

Members of the public Denise Barton (time donate by Olga Zurawska) and Jerry Rubin commented on various Consent Calendar items.

Motion by Councilmember O'Connor, seconded by Councilmember Vazquez, 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 O'Connor, Himmelrich, Vazquez, McKeown, Mayor Pro Tem Davis

NOES: None
ABSENT: Councilmember O'Day, Mayor Winterer

**THIRD STREET
PROMENADE
FOUNTAIN**

3.A. Agreement for Third Street Promenade Fountain Enhancements, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# SP2491 to Concept Consultant, Inc., a California-based company, for maintenance and enhancements to the medians and fountains on the Third Street Promenade;
2. Authorize the City Manager to negotiate and execute Agreement No. 10596 (CCS) with Concept Consultant, Inc., in an amount not to exceed \$400,000 over a one-year period (including a \$24,000 contingency).

HOUSING ASSET FUND

3.B. Annual Report on Low- and Moderate-Income Housing Asset Fund, was approved.

Recommended Action

Staff recommends that the City Council:

1. Receive the Annual Report on the Low- and Moderate-Income Housing Asset Fund for Fiscal Year 2016-17 and authorize staff to post the report on the City's website by December 31, 2017; and
2. Direct staff to present the independent audit of the Low- and Moderate-Income Housing Asset Fund to the Council upon completion of the independent audit of the City's Comprehensive Annual Financial Report (CAFR) and authorize staff to post the results of the audit on the City's website after presentation to City Council.

**SOFTWARE
AGREEMENTS**

3.C. Modification of Agreement with Compulink Management Center, Inc., dba Laserfiche, to Add Products and Services, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute first modifications to the software license agreement #9789 in the amount of \$381,000 and the software maintenance and support agreement in the amount of \$226,311 for an aggregate of \$607,311 with Compulink Management Center, Inc., dba Laserfiche, a California - based company, in order to add software and services to support Police mobile functionality and enhanced digitization of paper documents. This will result in additional perpetual software licenses, with an extended 10 year maintenance agreement, with a new total amount not to exceed \$767,292, with future year funding contingent on Council budget approval.

LOCAL COASTAL PROGRAM

3.D. Second Modification to Professional Services Agreement with Dudek for Development of the Local Coastal Program Update Land Use Plan, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to Contract No. 10212 (CCS) in the amount of \$13,028 with Dudek, a California-based company, for professional services related to development of the Local Coastal Program Land Use Plan Update and extend the expiration date through November 2018. This will result in a three-year, amended agreement with a new total amount not to exceed \$137,028. The remainder of the professional services to be paid through this contract are fully-funded by a Planning Grant from the California Coastal Commission.

ICE SKATING RINK

3.E. License Modification for Seasonal Ice Skating Rink, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to execute a second modification to the license agreement with Downtown Santa Monica Inc., a California-based Corporation, to allow the sale of prepared food in operation of a seasonal ice rink on City property between the months of October and February.

**ADMIN. PROCEEDINGS:
2953 DELAWARE AVENUE**

6.A. Appeal 17ENT-0186 of the Planning Commission's approval of Conditional Use Permit 17ENT-0075, Variance 17ENT-0147, and Fence/Wall Modification 17ENT-0148 permitting the establishment of a Child Care and Early Education Facility for up to 20 children at 2953 Delaware Avenue, was continued to January 23, 2018.

Recommended Action

Staff recommends that the City Council deny the appeal and uphold the Planning Commission's approval by taking the following actions:

1. Approve Conditional Use Permit 17ENT-0075
2. Approve Variance 17ENT-0147
3. Approve Fence Modification 17ENT-0148
4. Adopt the Statement of Official Action, pursuant to the draft findings and conditions.

**ORDINANCES:
ZONING ORDINANCE**

7.A. Introduction and First Reading of an Ordinance to Amend the Zoning Ordinance Making Changes, Corrections, and Clarifications to the Zoning Ordinance Related to Policy Issues That Have Arisen Since the Adoption of the Zoning Ordinance Through Its Implementation, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance amending the City’s Zoning Ordinance making changes, corrections, and clarifications to Sections 9.26 Landscaping, 9.28 Parking, Loading and Circulation, 9.31 Standards for Specific Uses and Activities, 9.39 Administrative Approval, 9.48 Enforcement Procedures, and 9.51 Use Classifications, related to policy issues that have arisen since the adoption of the Zoning Ordinance through its implementation.

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
- NOES: None
- ABSENT: Councilmember O’Day, Mayor Winterer

ZONING

7.B. Introduction for First Reading of an Interim Ordinance Extending Interim Ordinance 2557 (CCS) Making Necessary Interim Changes to the Zoning Ordinance to Authorize Medicinal Cannabis Retailers and Medicinal Cannabis Light Manufacturing Within Certain Zoning Districts, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance extending Interim Ordinance 2557 (CCS) to April 20, 2020.

Member of the public Harvey Eder spoke generally in favor of the recommended action.

Motion by Councilmember Himmelrich, seconded by Councilmember McKeown, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**JOIN LOS ANGELES
COMMUNITY CHOICE**

7.C. Introduction and first reading of an ordinance to Join Los Angeles Community Choice Energy (LACCE), Appoint a Director and

ENERGY

Alternate to LACCE Board, and Request Regular Updates From Staff, was presented.

Recommended Action

Staff recommends that the City Council:

1. Introduce for first reading the attached ordinance (Attachment A) approving the Los Angeles Community Choice Energy Joint Powers Agreement (Attachment D).
2. Authorize the City Manager to negotiate and execute the necessary documents to join the Los Angeles Community Choice Energy (LACCE) program.
3. Designate one representative and two alternates to serve as a director of the Board of the Los Angeles Community Choice Energy.
4. Direct staff to provide regular updates to Council on the most recent developments and provide recommendations on future action.

Member of the public Harvey Eder spoke generally in favor of the recommended action.

Questions asked and answered of staff included: is the L.A. County one the one who gives us autonomy; is there a reason the Pico Rivera was not included in the options, and wouldn't that type of joint membership provide more autonomy; do we anticipate push back or resistance for some of the recommendations; does L.A. County have their own representative from the Board of Supervisors; and, when are the meetings, time, dates, how long do they last, and who staffs those meetings.

Considerable discussion ensued on topics including, but not limited to, as members of the LACCE, Santa Monica can take the lead in the region on renewable energy, and can be a big influence by joining the County for a Regional system

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to introduce ordinance for first reading, reading by title only and waiving further reading thereof; Authorize the City Manager to negotiate and execute the necessary documents to join the Los Angeles Community Choice Energy (LACCE) program; and, Direct staff to provide regular updates to Council on the most recent developments and provide recommendations on future action. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Day, Mayor Winterer

Question asked and answered of staff about who the second alternate should be, and whether or not it should be a staff member because they have expertise.

Councilmember O'Connor expressed that she would be interested in being an alternate, and Councilmember McKeown serve as the Director.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Vazquez, to designate Councilmember McKeown to serve as a director of the Board of the Los Angeles Community Choice Energy, and Councilmember O'Connor and Task Force member David Pettit serve as alternates. This motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Day, Mayor Winterer

STAFF
ADMINISTRATIVE
ITEMS:
LONG-TERM
ECONOMIC
SUSTAINABILITY

8.A. Strategy for Long-Term Economic Sustainability

Recommended Action

Staff recommends that Council review, consider, and provide direction regarding the process to develop the scope of the City's long-term economic sustainability strategy.

Members of the public Jerry Rubin, Shawn Landres, and Harvey Eder spoke generally in favor of the recommended action.

Questions asked and answered of staff included: how will we be included so that we can be better contributors to build a framework; and, is there a way to divide up our Economy that could be a couple broad categories; how do we create more agility in order to be able to be timely to address trends as they happen instead of being reactive.

Considerable discussion ensued on topics including, but not limited to: beginning a process and keeping it broad with a variety of panels to capture new ideas; concerns expressed about the outreach partners that seems limited as it does not include any Social justice groups, people who live in Santa Monica, not just the organized groups; would like to see BIDs other than Downtown Santa Monica, Montana and Main Street need to be included; academic exchange can be useful; give guidance to investigate and understand trends; bring into the discussion externalities, the things we don't have control over; and, we need to build an economic stability that allows everyone to be included.

Motion by McKeown, seconded by Councilmember O'Connor, to review, consider, and provided direction including what was discussed by Council regarding the process to develop the scope of the City's long-term economic sustainability strategy. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Day, Mayor Winterer

ADJOURNMENT

On order of the Mayor Pro Tem, the City Council meeting was adjourned at 8:22 p.m. in memory of Mallory Smith.

ATTEST:

APPROVED:

Denise Anderson-Warren
City Clerk

Gleam Davis
Mayor Pro Tem