

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 9, 2018

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:35 p.m., on Tuesday, January 9, 2018, 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 Terry O'Day
Councilmember Tony Vazquez

Absent: Councilmember Pam O'Connor

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 5:35 p.m., with all members present except Councilmember O'Connor. Deputy City Attorney Yibin Shen led the assemblage in the Pledge of Allegiance.

AGENDA PLANNING

The Mayor announced that staff requested Item 7-A be pulled from the agenda, due to legal reasons.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Vazquez, to remove Item 7-A from the agenda. The motion was approved by voice vote, with Councilmember O'Connor absent.

CLOSED SESSIONS

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

On order of the Mayor, the City Council recessed at 5:38 p.m., to consider closed sessions and returned at 7:05 p.m., with Councilmember O'Connor 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): Pico Neighborhood Association and Maria Loya
v. City of Santa Monica, Los Angeles Superior Court, Case No. BC
616804**

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 Number 2:16-cv-04114-PA-AGR**

The City Attorney advised this matter was an alleged violation of the Americans with Disabilities Act and California Civil Rights laws, in relation to access to and on the Santa Monica Pier. The City denies the claims, but cease to ensure accessibility of the Pier. Following mediation, the City Attorney's Office recommends a settlement with the following terms: the City will construct and install a portable ramp and wheelchair accessible chariot on the Carousel; the City will replace deteriorated wooden planks on the Pier to create a path of travel; the City will make additional minor improvements to increase accessibility on the Pier, such as adding signage and installing certain guardrails, and the City will pay settlement fees in costs in the amount of \$108,272.

Motion by Councilmember Himmelrich, seconded by Councilmember O'Day, to approve Settlement Agreement No. 10606 (CCS), in the amount of \$108,272, including terms. The motion was approved by the following vote:

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

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

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): Cardier v. City of Santa Monica, Los Angeles
Superior Court, Case No. BC 578 779**

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

1.E. Conference with Legal Counsel – Anticipated Litigation – Request to enter into a lawsuit as an amicus curiae, pursuant to § 54956.9 – Janus v. American Federation of State, County, and Municipal Employees, Council 31, et al., United States Supreme Court, Case No. 16-1466

The City Attorney advised this matter was a request to sign an amicus brief in support of the American Federation of State, County, and Municipal Employees, Council 31 position, regarding if the First Amendment prohibits government agencies from charging employees fair share fees, which cover collective bargaining costs, but not union, political, or organizing activities.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem Davis, to approve the city joining the amicus brief. The motion was approved by the following vote:

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

**SPECIAL AGENDA
ITEMS:**

2.A. Proclamation: 2018 Homeless Count Week, was presented by the Mayor.

2.B. Recognition of Santa Monica Fire Fighters' Fortitude, Dedication, and Valor in Fighting the Skirball, Creek, and Thomas Fires, was presented by the Mayor.

**REPORT ON COUNCIL
TRAVEL**

Councilmember Vazquez reported that he traveled to Sacramento to attend the 51st Annual Sacramento Legislative Tour, hosted jointly by Contract and Independent Cities. During his visit at the capitol, they met with members of the Senate to advocate for special things for cities across the state. The main threads included, affordable housing, local control, homeless issues statewide, water rights and water conservation.

CONSENT CALENDAR:

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

At the request of the Mayor, and with consensus of the Council, the Council Consent Calendar and the Redevelopment Agency Consent Calendar were combined into a joint meeting at 7:24 p.m., with Agency/Councilmember O'Connor absent.

**REPORT ON MEETING
COMPENSATION**

Pursuant to State law, City Clerk Denise Anderson-Warren announced that Council will receive no compensation for meeting as the Redevelopment Successor Agency.

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

Motion by Agency/Councilmember McKeown , seconded by Agency/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: Agency/Councilmembers McKeown, Vazquez, Himmelrich, O’Day, Chair/Mayor Pro Tem Davis, Chair/Mayor Winterer
- NOES: None
- ABSENT: Agency/Councilmember O’Connor

MINUTES

3.A. Minutes for the City Council - Regular and Special Joint Meeting - Nov 28, 2017, were approved.

BEACHES

3.B. Authorization for final payment to the City of Los Angeles for the Cost-sharing Monitoring Plan Memorandum of Agreement for the Santa Monica Bay Beaches Bacterial Total Maximum Daily Load, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to approve the cost-share payment in the amount of \$75,485.30, including \$66,888.62 for Fiscal Year 2016-17 and exceedances of \$8,596.68 for Fiscal Year 2015-16, to the City of Los Angeles to comply with the cost-share monitoring plan with the Los Angeles Regional Water Quality Control Board’s Bacterial Total Maximum Daily Load requirements for the Santa Monica Bay Beaches.
2. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

LABOR RELATIONS

3.C. Adoption of Resolution No. 11094 (CCS) Authorizing the City Manager to execute Memorandum of Understanding with The International Association of Sheet, Metal, Air, Rail, and Transportation Workers - Transportation Division, Local 1785, was approved and adopted.

Recommended Action

Staff recommends that the City Council:

1. Adopt attached **Resolution No. 11094 (CCS) entitled**, “A Resolution Authorizing the City Manager to enter into a Memorandum of Understanding (MOU) Between the City of Santa Monica and the International Association of Sheet, Metal, Air, Rail, And Transportation Workers – Transportation Division, Local 1785.”
2. Approve the attached revised salary schedule effective as a result of the agreement reached for the classifications represented by SMART-TD.

TRANSIT FUNDS

3.D. Adoption of Big Blue Bus Resolution for Transit Funds, was approved and adopted .

Recommended Action

Staff recommends that the City Council:

1. Adopt **Resolution No. 11095 (CCS) entitled**, “A Resolution of the City Council of the City of Santa Monica to authorize the City Manager to File the FY 2017/2018 through FY 2019/2020 Transportation Development Act and State Transit Assistance Claim; to Submit Grant Applications and to Negotiate and Execute Grant Agreements and Other Transit Agreements in Furtherance of the Short Range Transit Plan for FY 2017/2018 through 2019/2020,” authorizing the City Manager to:
 - a. Apply for and execute grant agreements and execute related certifications and assurances with the Federal Transit Administration (FTA), L.A. Metro, or other federal, state, regional or local agencies;
 - b. Enter into agreements for transit funds for the pass-through of funds and agreements for planning, programming, and implementing transit services and capital projects during Fiscal Year (FY) 2017-18 through FY 2019-20; and,
 - c. Enter into agreements for transit program revenue with institutions, local agencies, and businesses for funds generated during FY2017-18 through FY 2019-20.
2. Adopt **Resolution No, 11096 (CCS) entitled**, “A Resolution of the City Council of the City of Santa Monica Authorizing the City Manager to Apply for Funding Under the California State of Good Repair Program and to Negotiate and to Enter into Agreements and Documents for Funds, and to Issue Certifications and Assurances Related Thereto.”
3. Adopt the Big Blue Bus Title VI Program.

MERCHANT SERVICES

3.E. Contract Modification for IPS Group, Inc., was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to

negotiate and execute a fourth modification to agreement #9496 (CCS) in an estimated amount of \$4,050,000 with IPS Group, Inc., a California-based company, to add merchant processing services for parking meter transactions for the Finance Department. The ten-year term of the contract will remain unchanged. This will result in an amended agreement with a new total estimated amount of \$21,594,169, with future year funding contingent on Council budget approval.

AMBULANCE SERVICES

3.F. Award RFP# 144 for Emergency Medical Patient Transport and Billing Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP#144 to Westmed Ambulance INC. DBA McCormick Ambulance, a Colorado based company, to provide emergency ambulance and billing services for the Fire Department;
2. Authorize the City Manager to negotiate and execute cost recovery Agreement No. 10605 (CCS) with McCormick Ambulance, for three years, with two additional one-year renewal options, on the same terms and conditions over a five-year period.

MINUTES

3.G. Minutes for the Redevelopment Successor Agency for the June 27 and October 24, 2017 meetings, were approved.

Recommended Action

Staff recommends that the Redevelopment Successor Agency approve the minutes for the June 27 and October 24, 2017 meetings.

**REDEVELOPMENT
SUCCESSOR AGENCY**

3.H. Adoption of the 2018-19 Annual Recognized Obligation Payment Schedule, was adopted.

Recommended Action

Staff recommends that the Redevelopment Successor Agency adopt **Resolution Nos. 35 (SA)** entitled, "A Resolution of the Santa Monica Redevelopment Successor Agency Approving and Adopting the Administrative Budget for the Period July 2018 – June 2019" and **36 (SA)** "A Resolution of the Santa Monica Redevelopment Successor Agency Approving and Adopting the Recognized Obligation Payment Schedule for July 2018 – June 2019."

**ADJOURNMENT OF
JOINT MEETING**

On order of the Mayor, the joint meeting with the Redevelopment Agency adjourned at 7:27 p.m., and the regular City Council meeting reconvened with Councilmember O'Connor absent.

ORDINANCES:
SANTA MONICA PIER

7.A. Amendment to the Ordinance for Vehicle Weight Restrictions on the Santa Municipal Pier, was pulled at the request of staff.

Recommended Action

Staff recommends that the City Council:

1. Introduce for First Reading the attached Ordinance amending Santa Monica Municipal Code Section 10.08.560 (Municipal Pier— Vehicle Weight Restrictions) updating load limitations for the Santa Monica Municipal Pier and the Newcomb Pier.
2. Conduct a public hearing, on behalf of Los Angeles County and at the County’s request, to determine the appropriate load limitation for the Pier Bridge.
3. Direct staff to seek authorization from the County of Los Angeles to set the Pier Bridge load limit.

STAFF
ADMINISTRATIVE
ITEMS:
PLANNING PRIORITIES

8.A. **City Planning Division Priorities**, was presented.

Recommended Action

It is recommended that the City Council review and provide guidance on setting the upcoming City Planning Division priorities.

Members of the public Denise Barton, Aliceann Grusin, Robert Posek (time donated by Kit Dreyfus), Nancy Coleman (time donated by James Hartung), Damilo Bach, Zina Josephs, Nikki Kolhoff, Jeanna Laurie, Russell Bjorkman, Shawn Landres, Stacy McClendon, Jerry Rubin, Ruthann Lehrer, Carol Lemlein, Brian O’Neil, Nina Fresco, Ana Maria Jara, Sofia Ramirez, Irma Carranza, Ana G. Jara, Catherine Eldridge, and Jaleh Mamita spoke on the recommended action.

Questions asked and answered of staff included: how many priorities is staff asking Council to choose; how would the Planning Department construct a list of a broad group for outreach to contribute to the Pico Neighborhood Plan; is there a way to deal with the zoning heights, and not impact the dwelling unit zoning; who in Planning can work on the Landmarks Ordinance Updates in order to get it through the process quickly; can short term plans be put in place for landmarked buildings until the full ordinance update is completed; is there a way to shorten the GANTT chart without losing the public input; how can we shift from paper making planning to an outcome orientation instead; is there a way to change the city’s processes to get the implementation completed quicker; are there any interim ordinances that can halt the deterioration of affordable housing in the Pico Neighborhood and R1 Neighborhoods; is there a way to slow the demolitions in neighborhoods; how long would it be if an interim ordinance was created before a final ordinance was established; in the Pico Plan, are there some quick emergency or zoning ordinances to address some of the short-term issues; is there a process that can be established in

the R1 zone to create a more expedient or streamline way to get through the plan check process, if the owner agrees to a smaller footprint; can you explain how staff plans to separate parts of the zoning in Pico dealing with Mobility amenities and zoning; Housing on the Boulevards, does that also include Bergamot; Net Zero Energy standards, should it reduce the energy so much that it should reduce the size of buildings; in the R1 district, can zoning be created to reduce homeowners ability to reduce sunlight to neighbor's homes; and, can the Civic Center Sports park be placed at the top of the priority list.

Direction from Council included: pursue having larger public meetings for public outreach to get the same output, and utilizing less staff time; make the Pico Neighborhood Plan zoning as the top priority #1, and give direction to create a process to preserve the Pico Neighborhood and create a total plan with broader outreach from all of the various groups in Pico Neighborhood, and create an urgency to preserve the homes in the neighborhood; and create an interim zoning for the Pico Neighborhood immediately, and work on the totality plan at a later date to preserve the neighborhood as much as possible.

Motion by McKeown, seconded by Mayor Pro Tem Davis, to make priority #2 to direct staff to come back in two weeks with an interim or emergency ordinance that cuts that allowable development size in R1 neighborhoods by a 20% of square footage, and puts a 28-foot maximum cap on height.

Mayor Winterer proposed a friendly amendment, that the interim/emergency ordinance specifically address tools to provide adjacent properties access to their solar rights.

After further discussion with staff, Councilmember McKeown amended his motion, to direct staff to come back with a height lower than 28-feet, to be determined, and hope that also addresses the solar access.

After adjusting the main motion, the amendment was considered friendly by the maker and seconder.

Mayor Pro Tem Davis, proposed a friendly amendment to exempt accessory dwelling units from whatever restrictions are put on lot coverage for the main building. The motion was considered friendly by the maker.

Motion by Councilmember Himmelrich, proposed a friendly amendment to insert language relating to demolitions within a certain distance that's already in the multi-family neighborhoods. The amendment was not considered friendly for the interim/emergency ordinance, but should be studied for the longer term.

The motion, with amendments was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

Motion by Mayor Pro Tem Davis, seconded by Councilmember McKeown,
to make priority #3 to move forward with implementation of SB743. The
motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

Motion by Mayor Pro Tem Davis, seconded by Councilmember McKeown,
to make priority #4 Landmark Ordinance Update. The motion was
approved by voice vote, with Councilmember O'Connor absent.

Councilmember Vazquez, proposed the next priority to be Memorial Park
Neighborhood Plan. After clarification that the plan is for the area around
Memorial Park, not specifically the park. Councilmember Vazquez agreed
to make this a later priority.

Mayor Winterer proposed Priority #5 Options to Encourage Housing on the
Boulevards in the Bergamot Area. Council approved this priority.

Councilmember McKeown, seconded by Mayor Pro Tem Davis, to give
direction to staff to come back with an ordinance that you cannot get a new
discretionary permits if you are in violation on existing permits. The
motion was approved by voice vote, with Councilmember O'Connor
absent.

Mayor Winterer proposed the following priorities:

Priority #6 - Local Coastal Plan.

Priority #7 - Memorial Neighborhood Plan

Priority #8 Gateway Master Plan

Council approved Priorities 6, 7 and 8 by voice vote, with Councilmember
O'Connor absent.

PUBLIC HEARINGS:
WATER RATES

9.A. Calendar Year 2018 Water Rate Adjustment, was presented.

Recommended Action

Staff recommends that the City Council:

1. Suspend the 9% water rate increase authorized to go into effect on January 1, 2018 and authorize a 5% increase to be in effect until December 31, 2018; and
2. Authorize the budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

Members of the public Denise Barton, Johnathan Foster, Mark Gold, and Judy Abdo, spoke generally in favor of the recommended action.

Questions asked and answered of staff included: how can the sustainable yield be so off from year to year; what percentage of the water goes to commercial versus residential; do we still not know the cost of remediation for the contaminated wells; how much revenue is generated with the proposed 5% rate increase, and where does it go; what's behind the money not being pushed out for rebate reimbursements; and, what is the daily water use in Australia.

Discussion ensued on topics included, knowing and understanding where the city stands with regards to water, and how much water funds are left.

Motion by Councilmember O'Day, seconded by Councilmember Himmelrich, to suspend the 9% water rate increase authorized to go into effect on January 1, 2018 and authorize a 5% increase to be in effect until December 31, 2018. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

Motion by Councilmember O'Day, seconded by Mayor Pro Tem Davis, to authorize the budget changes as outlined in the Financial Impacts & Budget Actions section of this report. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

PUBLIC INPUT:

Members of the public Johnathan Foster, Denise Barton, Art Casillas, and Dhun May commented on various local issues.

ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 11:44 p.m.

ATTEST:



Denise Anderson-Warren
City Clerk

APPROVED:



Ted Winterer
Mayor

