

(NOT APPROVED)

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

APRIL 10, 2018

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:32 p.m., on Tuesday, April 10, 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 Pam O'Connor (*arrived at 5:42 p.m.*)
Councilmember Terry O'Day (*arrived at 5:50 p.m.*)
Councilmember Tony Vazquez (*arrived at 5:34 p.m.*)

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 Councilmembers O'Day, O'Connor, and Vazquez. Councilmember Himmelrich led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

*Councilmember Vazquez
arrived at 5:34 p.m.*

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

*Councilmember O'Connor
arrived at 5:42 p.m.*

On order of the Mayor, the City Council recessed at 5:34 p.m., to consider closed sessions and returned at 7:05 p.m., with all members present, to report the following:

*Councilmember O'Day
arrived at 5:50 p.m.*

**1.A. Conference with Real Property Negotiator
Property: 1301 – 1333 Fourth Street, 1324 – 1334 Fifth Street
Negotiator: Andy Agle, Dir. Housing and Economic Development
Under Negotiation: Ground-Lease Terms
Owner of Record: City of Santa Monica**

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): 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 not heard.

1.C. Conference with Legal Counsel- Existing Litigation – Litigation has been initiated formally pursuant to Government 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.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Shahriary v. City of Santa Monica, Los Angeles Superior Court, Case No. BC 619889

The City Attorney advised this matter was a trip and fall incident on Wilshire Blvd. resulting in injuries and pain. The city disputes and denies the claim in the lawsuit, the City Attorney’s Office recommends a settlement in the amount of \$85,000.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Himmelrich, to approve Settlement No. 10648 (CCS) in the amount of \$85,000. The motion was approved by the following vote:

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

1.E. 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 not heard.

**1.F. Conference with Real Property Negotiator
Property: 2322 Michigan Avenue
Negotiator: Andy Agle, Dir. Housing and Economic Development
Under Negotiation: Price and Terms**

The City Attorney advised this matter was not heard.

**SPECIAL AGENDA
ITEMS:**

2.A. Proclamation declaring April as ArtsMonth 2018, was performed by Luis Alfaro.

2.B. City Manager Report: ArtsMonth – An ode to the arts and creativity in Santa Monica, was presented.

2.C. Recognition of Interim Police Chief Kenneth Semko, was presented by Mayor Winterer.

**REPORT ON COUNCIL
TRAVEL**

Councilmember O'Connor reported that she participated in the Water Alliance Consortium, which was held in Salt Lake City, Utah, no city funds were used for this travel.

Councilmember Vazquez, reported that he traveled to Washington, D.C for the National League of Cities Conference. He was also able to attend the National Association of Latino Elected and Appointed Officials (NALEO), where he was elected to their board, no city funds were used. He attended the Local Government Conference in Yosemite, and the WELL Conference in Sacramento, no city funds were used for this travel.

Councilmember O'Day also attended the Local Government Commission in Yosemite.

CONSENT CALENDAR:

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

Members of the public Michael Myers, Walter Myers, John Geary, and Denise Barton commented on various Consent Calendar items.

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

NOES: None

ABSENT: None

**AIRPORT LEASE
AGREEMENT**

3.A. Airport Lease Agreement with Santa Monica Community College District, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute lease Agreement No. 10649 (CCS) with Santa Monica Community College District (SMC) for classroom space located at 2800

Airport Avenue, Santa Monica, CA 90405, reflecting the general terms and conditions outlined in this report.

BIG BLUE BUS

3.B. Award Construction Contract for the Big Blue Bus LCNG Fuel System Modification Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2371 to Wyoming NorthStar Incorporated, a Wyoming-based company with local offices in Newport Beach, California; for the Big Blue Bus Liquified-Compressed Natural Gas (LCNG) Fuel System Modification Project;
2. Authorize the City Manager to negotiate and execute Contract No. 10650 (CCS) with Wyoming NorthStar Incorporated, in an amount not to exceed \$1,098,643 (includes a 10% contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

AIRPORT PROPERTY ASSESSMENT

3.C. Award Agreement for Santa Monica Airport Buildings Property Condition Assessment, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 2508 to Omgivning Architects, a California-based company, to provide a comprehensive building assessment at nine building locations at the Santa Monica Airport;
2. Authorize the City Manager to negotiate and execute Agreement No. 10651 (CCS) with Omgivning Architects, in an amount not to exceed \$756,140 (including a \$68,740 contingency) for a total amount not to exceed \$756,140 over a two-year period, with future year funding contingent on Council budget approval.

BUS STOPS

3.D. Bus Stop Shelter Custodial and Maintenance Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4316 to Shelter Clean Services, Inc., a California-based company, to provide custodial and signage replacement services for Big Blue Bus (BBB) bus stops and zones located within and outside of the City of Santa Monica; and,
2. Authorize the City Manager to negotiate and execute Agreement No. 10652 (CCS) with Shelter Clean Services, Inc., in an amount not to exceed \$978,738, which includes a 10% contingency for a five-year term with future year funding contingent on Council budget approval.

**CITY SERVICES
BUILDING**

3.E. Award of Commissioning Services Agreement for the City Services Building Construction Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #2250 to Syska Hennessy Group, Inc., a California-based company, to perform commissioning services for the City Services Building Construction Project;
2. Authorize the City Manager to negotiate and execute Agreement No. 10653 (CCS) with Syska Hennessy Group, Inc., in an amount not to exceed \$95,189 (including 10% contingency) with future year funding contingent on Council budget approval.

**CONTENT
MANAGEMENT SYSTEM**

3.F. Software Subscription Agreement for Learning Content Management System, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #136 to Cornerstone OnDemand, a California-based company, for the purchase and implementation of a centralized training portal solution, Cornerstone Learning Suite Solution.
2. Authorize the City Manager to negotiate and execute Agreement No. 10654 (CCS) with Cornerstone OnDemand for software subscription, implementation services, and the purchase of training content and professional services as needed, in an amount not to exceed \$ 839,065 (including \$15,024 contingency), over a five-year period, with future year funding contingent on Council budget approval.
3. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

FLEET MAINTENANCE

3.G. Request for Change Orders with Four Vendors for Fleet Maintenance Goods and Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the Purchasing Services Manager to issue a change order for interim funding for the next six months to purchase order #28093-OF in the amount of \$31,090 with American Moving Parts, LLC, a California-based company, for the purchase and delivery of brake parts, supplies, and service for passenger cars, and light-, medium-, and heavy-duty vehicles, until the goods can be bid. This would result in a revised purchase order total not to exceed \$208,127, with future year funding contingent on Council budget approval.
2. Authorize the Purchasing Services Manager to issue a change order for interim funding for the next six months to purchase order #28016-

OF in the amount of \$26,779 with Battery Power, Inc., a California-based company, for the purchase and delivery of vehicle batteries and pickup of battery cores, until the goods can be bid. This would result in a revised purchase order total not to exceed \$182,985, with future year funding contingent on Council budget approval.

3. Authorize the Purchasing Services Manager to issue a change order for interim funding for the next six months to purchase order #28020-OF in the amount of \$42,388 with Los Angeles Freightliner, a California-based company, to furnish and deliver OEM Crane Carrier brand parts, until the goods can be bid. This would result in a revised purchase order total not to exceed \$207,227, with future year funding contingent on Council budget approval.
4. Authorize the Purchasing Services Manager to issue a change order for interim funding for the next six months to purchase order #28024-OF in the amount of \$63,858 with Natural Gas Systems, Inc., a California-based company, to furnish all labor, parts, materials, equipment, and supervision necessary to provide maintenance and repair services for the natural gas station at the City Yards facility, until the goods can be bid. This would result in a revised purchase order total amount not to exceed \$233,878 with future year funding contingent on Council budget approval.

**NETWORK
INSTALLATION
SERVICES**

3.H. Agreement for Purchase of Ruckus Network Equipment and Site Assessment and Installation Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid#4310 to SmartWAVE Technologies LLC (SmartWAVE), a Georgia -based company, for the purchase of Ruckus network equipment and site assessment and installation services; and
2. Authorize the City Manager to negotiate and execute Agreement No. 10655 (CCS) with SmartWAVE for the purchase of Ruckus network equipment, site assessment and installation services in an amount not to exceed \$868,000, including a \$87,000 contingency, over a five-year period, with future year funding contingent on Council budget approval.

TIRE SERVICES

3.I. Tire Lease and Related Onsite Tire Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4294 to Michelin North America, Inc., a South Carolina-based company, for the lease of new transit tires and related services;
2. Authorize the City Manager to negotiate and execute Agreement

No. 10656 (CCS) with Michelin North America Inc., in an amount not to exceed \$2,635,171, including a \$239,561 contingency for a five-period, with future year funding contingent on Council budget approval.

GRANT FUNDS

3.J. Adoption of Resolution No. 11109 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA APPROVING THE APPLICATION FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING PROGRAM,” was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt Resolution No. 11109 (CCS) authorizing the application for grant funds in the amount of \$1,477,809 from the California Natural Resources Agency to fund implementation of the Lincoln Neighborhood Corridor Plan Streetscape Improvements; and
2. Authorize the City Manager to execute all necessary documents to apply for the grant, accept the grant, if awarded, and accept all grant renewals, if awarded.

PIER REPAIR

3.K. Award Construction Contract for Pier Hoist & Crane and Catwalk Repair, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2528 to John S. Meek Company, Inc., a California-based company, for the Pier Hoist & Crane and Catwalk Repair Project;
2. Authorize the City Manager to negotiate and execute Contract No. 10657 (CCS) with John S. Meek Company, Inc., in an amount not to exceed \$500,000 (including a 11% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

ORDINANCES:
ZONING ORDINANCE

7.A. Second Reading and Adoption of Interim Zoning Ordinance No. 2572 (CCS) entitled, “AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXTENDING INTERIM ZONING ORDINANCE NUMBER 2569 (CCS) WHICH AMENDED PORTIONS OF SANTA MONICA MUNICIPAL CODE SECTION 9.07.030 TO REVISE DEVELOPMENT STANDARDS FOR MAXIMUM PARCEL COVERAGE, MAXIMUM BUILDING HEIGHT, ADDITIONAL MINIMUM STEPBACKS FOR UPPER STORIES, LIMITATIONS ON AGGREGATE FLOOR AREA FOR UPPER-STORY DECKS AND BALCONIES, AND EXCLUSION OF CERTAIN ACCESSORY DWELLING UNITS FROM PARCEL COVERAGE IN

THE R1 SINGLE-UNIT RESIDENTIAL DISTRICT,” was presented.

Recommended Action

Staff recommends that City Council adopt an Interim Zoning Ordinance Extending Interim Zoning Ordinance Number 2569 (CCS)

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, 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’Connor, O’Day, Mayor Pro Tem Davis, Mayor Winterer
NOES: None
ABSENT: None

STAFF
ADMINISTRATIVE
ITEMS:
FACILITY
AGREEMENTS

Councilmember McKeown was excused at 7:49 p.m.

8.A. Master Facility Use Agreements with the Santa Monica-Malibu Unified School District, was presented.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute Master Facilities Use Agreement No. 10658 (CCS) combining the two tax measures (YY and GS) into a single agreement (Measure YY/GS Facilities Agreement) including related supplemental terms and conditions with the Santa Monica-Malibu Unified School District with an initial term ending June 30, 2028.

Councilmember McKeown recused himself from this item to avoid any conflict of interest because he works for the school district.

Members of the public Denise Barton, Shari Davis, Richard Jesseum, Nikki Kolhoff, Ann Thanawalla, Oscar de la Torre, and Dr. Ben Drati spoke on the recommended action.

Questions asked and answered of staff included: extending the two contracts does that put them on the same timeline; confirm questions about the gift of public funds and school finance law; are there provisions in the agreement to establish a payment schedule, and procedures if either side decides to terminate the agreement; is this agreement necessary and, did things change after the Serrano vs. Priest case.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Vazquez, to adopt the staff recommendation. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember McKeown

**ANNUAL
DEVELOPMENT
COMPLIANCE**

*Councilmember McKeown
returned at 8:18 p.m.*

8.B. Annual Review of Development Agreement Compliance, was presented.

Recommended Action

Staff recommends that the City Council:

1. Review the status of Development Agreement compliance; and
2. Determine good faith compliance for those that are in compliance and listed as such in Table 1.

Members of the public Denise Barton and Nancy Coleman, spoke on the recommended action.

Questions asked and answered of staff included, but not limited to: has a new tenant moved into the old Agensys building, and will they be informed about the development agreement requirements; how do you decide what is considered "good faith compliance"; and, how is credit measured and given for the Average Vehicle Ridership (AVR) and Transportation Demand Management (TDM); is there a way to keep track of other development agreement fees, and how that money is spent; what is in place to keep track that other community benefits are in compliance of development agreements; is insurance requirements in line with the use of the public space part of the Colorado Center DA; is there something that can be put in place legally that gives community groups a mechanism to complain if a development agreement is not in compliance;

Motion by Councilmember Himmelrich, 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'Day,
O'Connor, Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: None

COUNCILMEMBER
DISCUSSION ITEMS:
LIBRARY BOARD

13.A. Appointment to one unscheduled vacancy on the Santa Monica Library Board for a term ending 06/30/2018, was presented.

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

Councilmember McKeown nominated Arlene Hopkins.

There being no other nominations, Ms. Hopkins was voted by acclamation, with all members present to the Santa Monica Library Board for a term ending June 30, 2018.

SOULSTICE

13.B. Request of Mayor Winterer, Mayor Pro Tem Davis and Councilmember McKeown that the Council allocate \$14,000 of its discretionary funds to the Main Street Business Improvement Association to aid in the production of its Summer SOULstice, a family-friendly community festival on Main Street. The funds will be used to offset the costs for City-required staffing of public safety and fire safety officers and road closures on Main Street, among other City costs, was presented.

Member of the public Hunter Hall spoke in support of the recommendation.

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

SANTA MONICA
SCIENCE MAGNET

13.C. Request of Mayor Winterer, Mayor Pro Tem Davis and Councilmember McKeown that the Council allocate \$7,500 of discretionary funds to serve as a matching grant to assist students from lower-income families to participate in this year's student cultural exchange program with our Friendship City of Kizugawa, Japan. Funds will be provided to the Santa Monica Science Magnet, a 501(c)(3) non-profit, was presented.

Member of the public Melissa Hannant spoke in support of the recommendation.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to approve the recommendation. 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 Denise Barton and Art Casillas commented on various local issues.

ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 9:07 p.m. in memory of Hank Dittmer.

ATTEST:

APPROVED:

Denise Anderson-Warren
City Clerk

Ted Winterer
Mayor

DRAFT