

(NOT APPROVED)

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JUNE 26, 2018

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:34 p.m., on Tuesday, June 26, 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 (*arrived at 7:23 p.m.*)
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 5:34 p.m., with all members present except Councilmembers O'Connor and O'Day. Mayor Pro Tem Davis led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS There were no one present for public comment on closed sessions.

On order of the Mayor, the City Council recessed at 5:36 p.m., to consider closed sessions and returned at 6:47 p.m., with Councilmembers O'Connor, O'Day, and McKeown 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): 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.B. Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government

Code Section 54956.9 (d)(2): SAMO Apartments, LLC v. City of Santa Monica

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

1.C. 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.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Leevan & Wilshire -26 LLC. V. City of Santa Monica, Los Angeles Superior Court, Case No. SS026729

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

**AGENDA
MANAGEMENT**

On the order of the Mayor, seconded by Councilmember Himmelrich, the Council voted to continue the Annual Boards and Commission appointments, Item 13.A. and filling a vacancy, Item 13.B. to the July 24th meeting, when there is a full Council. The motion was approved by voice vote with Councilmembers McKeown, O’Day and O’Connor absent.

**SPECIAL AGENDA
ITEMS:**

Councilmember McKeown returned at 6:48 p.m.

2.A. Proclamation: Immigrant Heritage Month, was presented by the Mayor.

2.B. Commendation: SMLL Major Division Champions, was presented by the Mayor.

**REPORT ON COUNCIL
TRAVEL**

Councilmember Vaquez reported that he traveled to Phoenix, Arizona for the NALEO 35th Annual Conference and Board Meeting.

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 Himmelrich, 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 Himmelrich, Vazquez, McKeown
Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: Councilmember O'Connor, O'Day

**RENEWABLE NATURAL
GAS**

3.A. Award Contract for Purchase of Renewable Natural Gas, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #139 to Clean Energy Renewable Fuels, LLC, a California-based company, for the procurement and supply of Renewable Natural Gas; and
2. Authorize the City to register and participate in the California Air Resources Board Low Carbon Fuel Standards Carbon Credit Program; and
3. Authorize the City Manager to negotiate and execute Agreement No. 10699 (CCS) with Clean Energy Renewable Fuels, LLC in an amount not to exceed \$306,350 (including a 10% contingency) for one-year, with four additional one-year renewal options, on the same terms and conditions, for a total amount not to exceed \$1,531,750 over a five-year period, with future year funding contingent on Council budget approval.

AIRPORT LIGHTING

3.B. Award Construction Contract for the Airport Lighting Retrofit Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2523 to Clear Blue Energy Corporation, a California-based company, for construction services for the Airport Lighting Retrofit Project;
2. Authorize the City Manager to negotiate and execute Contract No.10700 (CCS) with Clear Blue Energy Corporation, in an amount not to exceed \$419,786 (including a \$69,965 contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

**HEAVY DUTY
BATTERIES FOR
TRANSIT**

3.C. Award Bid to Provide Heavy-Duty Batteries, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4325 to:
 - a. Battery Power, Inc., a California-based company, for the purchase of DEKA brand heavy-duty batteries for transit coaches; and
 - b. Battery Systems, Inc., a California-based company for the purchase of Odyssey brand heavy-duty batteries for transit coaches and Fire Vehicles.
2. Authorize the Purchasing Services Manager to issue purchase orders with:
 - a. Battery Power for DEKA brand heavy-duty 8D and Group 31 batteries in an amount not to exceed \$49,170 for one year, with four (4) additional one-year renewal options with the same terms and conditions for a total not to exceed \$245,850 over a five-year period with future year funding contingent on Council budget approval;
 - b. Battery Systems, Inc. for Odyssey brand heavy-duty bus and Fire apparatus batteries in an amount not to exceed \$32,390 for a one-year period, with four (4) additional one-year renewal options with a 5% increase per year for a total not to exceed \$178,972 over a five-year period with future year funding contingent on Council budget approval.

GAS EXTRACTION

3.D. Professional Service Agreement to Provide Operation, Maintenance, and Monitoring Services for the Landfill Gas Extraction System at the City's Municipal Yard, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute Agreement No. 10701 (CCS) with ES Engineering Services, to operate, maintain, and monitor the landfill gas extraction system currently operating at the City's Municipal Yard for a total amount not to exceed \$531,045 (including a 10% contingency) over a three-year period, with future year funding contingent on Council budget approval.

EMPLOYEE BENEFITS

3.E. Professional Services Agreement for Employee Benefits Consulting Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP#173 to Alliant Insurance Services, Inc., (Alliant), a California-based company for employee benefits consulting services;

2. Authorize the City Manager to negotiate and execute Agreement No. 10702 (CCS) with Alliant, in an amount not to exceed \$273,000 (including a \$25,000 contingency) for three years, with two additional 1-year renewal options in the amount of \$96,800 (including a \$8,800 contingency) for the first renewal option and \$101,200 (including a \$9,200 contingency) for the second renewal option, otherwise on the same terms and conditions, for a total amount not to exceed \$471,000 over a 5-year period, with future funding contingent on Council budget approval.

ELECTRICAL SERVICES

3.F. Award Contract to Leed Electric Inc. for Electrical Services at Water and Wastewater Treatment Facilities, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4336 to Leed Electric Inc., a California-based company, to provide electrical contractor services at water treatment facilities and wastewater facilities;
2. Authorize the City Manager to negotiate and execute Agreement No. 10703 (CCS) with Leed Electric Inc., in an amount not to exceed \$1,660,000 over a five-year period, including 5% annual increases, with future funding contingent on Council budget approval.

RECORDS STORAGE

3.G. Award Request for Proposal for Citywide Records Storage Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Request for Proposal #154 to Filekeepers, LLC, a California-based company, for citywide offsite records storage services;
2. Authorize the City Manager to negotiate and execute Agreement No. 10704 (CCS) with Filekeepers, LLC, in an amount not to exceed \$350,000 for five years, with five additional one-year renewal options with the same terms and conditions for a total amount not to exceed \$700,000 over a 10-year period with future year funding contingent on Council budget approval.

DOWNTOWN SANTA MONICA

3.H. Downtown Santa Monica, Inc. FY 2018-19 Budget and Work Plan, was approved.

Recommended Action

Staff recommends that the City Council approve the Downtown Santa Monica, Inc. budget and work plan for Fiscal Year 2018-19.

**SANTA MONICA
TOURISM MARKETING
DISTRICT**

3.I. Santa Monica Tourism Marketing District FY 2018-19 Budget and Work Plan, was approved.

Recommended Action

Staff recommends that the City Council receive and approve the Santa Monica Tourism Marketing District's Fiscal Year 2018-19 Budget and Work Plan.

SOCIAL WORKER

3.J. Award of Contract for Licensed Clinical Social Worker, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #176 to Dorothy Berndt, a California-based Licensed Clinical Social Worker (LCSW), to connect at-risk tenants with local services to help keep them housed.
2. Authorize the City Manager to negotiate and execute Agreement No. 10705 (CCS) with Dorothy Berndt, in an amount not to exceed \$53,000 (including a \$3,000 contingency) for one year, with two additional two-year renewal options in the amount of \$212,000, on the same terms and conditions, for a total amount not to exceed \$265,000 over a five-year period, with future-year funding contingent on Council budget approval.

TIRE PURCHASE

3.K. Bid Award for the Purchase of Medium- and Heavy-Duty Tires, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4349 to Daniels Tire Service, a California-based company, for the purchase and delivery of miscellaneous new and recapped medium- and heavy-duty tires, and related services; and
2. Authorize the City Manager to negotiate and execute Agreement No. 10706 (CCS) with Daniels Tire Service in an amount not to exceed \$172,500 (including a 15% contingency) for one year, with four additional one-year renewal options in the amount of \$690,000, at an additional increase, based on the consumer price index, per year, for a total amount not to exceed \$862,500 over a five-year period, with future year funding contingent on Council budget approval.

TRAFFIC SUPPLIES

3.L. Award Bid for Traffic Signs and Supplies, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4312 to Safeway Sign Company, Safety Network

Traffic Signs, Inc., and Maneri Sign Co., Inc., all California-based companies, for the purchase and delivery of traffic signs and supplies;

2. Authorize the Purchasing Services Manager to issue a purchase order with Safeway Signs Company for the purchase and delivery of traffic signs and supplies in the amount not to exceed \$85,000 for one year, with four additional one-year renewal options and a price increase of 10% annually.
3. Authorize the Purchasing Services Manager to issue a purchase order with Safety Network Traffic Signs, Inc. for the purchase and delivery of traffic signs and supplies in the amount not to exceed \$15,000 for one year, with four additional one-year renewal options and a price increase of 7% annually.
4. Authorize the Purchasing Services Manager to issue a purchase order with Maneri Sign Company, Inc. for the purchase and delivery of traffic signs and supplies in the amount not to exceed \$50,000 for one year, with four additional one-year renewal options and a price increase of 5% annually.

DISPOSABLE GLOVES

3.M. Bid Award for the Purchase of Disposable Microflex Gloves Citywide, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4356 to Bound Tree Medical, an Ohio-based company, for the purchase and delivery of Microflex disposable gloves to be used by staff citywide;
2. Authorize the Purchasing Services Manager to issue annual purchase orders with Bound Tree Medical, for the purchase and delivery of Microflex disposable gloves for a total amount not to exceed \$720,000 over a five-year period, with future funding contingent on Council budget approval.

SANTA MONICA PIER CORPORATION

3.N. Santa Monica Pier Corporation Fiscal Year 2018-19 Budget and Work Plan, was approved.

Recommended Action

Staff recommends that the City Council approve the Santa Monica Pier Corporation Fiscal Year 2018-19 Budget and Work Plan.

DATA MANAGEMENT

3.O. Award RFP #169 for Outcomes Design and Data Management Solutions, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 169 to Canavan Associates, a Massachusetts-based

company, for redesign of performance measures and outcomes and implementation of a data management system for human services programs.

2. Authorize the City Manager to negotiate and execute Agreement No. 10707 (CCS) with Canavan Associates for a total amount not to exceed \$395,000 over a 3-year period, with future year funding contingent on Council budget approval.

CLOSED CIRCUIT TV EQUIPMENT

3.P. Installation and maintenance of Closed Circuit Television Camera (CCTV) equipment for the Police Department over a five year period, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 151 to Convergent Technologies, LLC, a California-based company for installation and maintenance of CCTV equipment.
2. Authorize the City Manager to negotiate and execute Agreement No. 10708 (CCS) with Convergent Technologies, LLC for installation of CCTV equipment in an amount not to exceed \$1,500,000 over a five-year period with future funding contingent on Council approval.
3. Authorize the City Manager to negotiate and execute Agreement No. 10709 (CCS) with Convergent Technologies, LLC for maintenance and repair of CCTV equipment in an amount not to exceed \$500,000 over a five-year period with future funding contingent on Council approval.

PARKING CITATION SOFTWARE

3.Q. Parking Citation Software Issuance System for the Police Department, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 160 to Conduent State & Local Solutions, Inc., a Maryland-based company for a Parking Citation Issuance software system.
2. Authorize the City Manager to negotiate and execute Agreement No. 10710 (CCS) with Conduent State & Local Solutions, Inc. for a Parking Citation Issuance software system in an amount not to exceed \$225,000 over a five-year period with future funding contingent on Council approval.

RECREATION CLASSES

3.R. First Modifications to Contract # 4193 with Super Soccer Stars and # 4154 with Diana Albarracin for Specialty Recreation Classes and Camps, was approved.

Recommended Action

Staff Recommends that the City Council

- 1) Authorize the City Manager to negotiate and execute a first modification to Agreement No. 10711 (CCS) in the amount of \$75,573 with Diana Albarracin a California-based company, for recreational services. This will result in a 2 year amended agreement with a new total amount not to exceed \$250,573 with future year funding contingent on Council budget approval; and,
- 2) Authorize the City Manager to negotiate and execute a first modification to Agreement No. 10712 (CCS) in the amount of \$209,259 with Super Soccer Stars Corporation a California-based company, for recreational services. This will result in a 2 year amended agreement with a new total amount not to exceed \$384,259 with future year funding contingent on Council budget approval.

CONTINUED ITEMS:
COSTA-HAWKINS ACT

*Councilmember O'Day
arrived at 7:23 p.m.*

5.A. Request of Councilmembers McKeown and Himmelrich that Council authorize staff to explore appropriate local responses to the possible statewide repeal of the Costa-Hawkins Act, and ways in which our community might capture a portion of rent windfalls to support hardship renters and fund affordable housing, was presented.

Members of the public Dennis Zane, Michael Soloff, spoke generally in favor of the recommended action.

Members of the public Brian Harmon, Pat Cramer, James Masi, Art Casillas, Chris Harding, Janet Gagnon, Paula Larmore (time donated by Kevin Kozal), Dave Rand, and Rosario Perry spoke generally in opposition to the recommended action.

Questions asked and answered of staff included: what happens if Costa-Hawkins is repealed; if Costa-Hawkins is repealed, what happens to the units once they are vacated; if the Charter amendment is not placed on the November 2018 ballot, what other options would the Rent Control board have to create an Administrative solution to stabilize the housing market; who has the authority to make decisions for renters, is it the Rent Control Board or the City Council; is new construction exempted under current Rent Control law and does repealing Costa-Hawkins change that; if a Charter amendment is placed on the ballot, wouldn't that place the authority to the City Council; if the repeal of Costa-Hawkins happens, will the rent control rates roll back to 1978; how would Rent Control administer this program; in addition to the base date, could the Rent Control Board be given the authority to establish threshold rates for vacant units so that they could be adjusted to the new minimum; and, with two proposed ballot measures (tax and charter amendment), what happens if one passes, and one does not, and, what is the contingency plan for if that happens.

Considerable discussion ensued on topics including, but not limited to needing to establish at least a base date to protect existing tenants; address the 6,000 to 7,000 units that have never been decontrolled since 1979; protection if this happens to those units that will allow us to give people who own buildings in which those units exists, incentives to get higher rents on other units, but to keep those units and fill them with people who are on the current list and who need affordable housing, this way it will keep those people in those units, and not Ellised out; have community discussion, and take the time to see what happens on the state level before moving forward; some of the unintended consequences include, concern about what effect this would have on new development; what's the effect on neighborhood preservation; what would be the impact on other revenues; and, there is not enough time to thoroughly examine the impacts of placing this matter on the November 2018 ballot.

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to approve the staff recommendation and direct staff to include establishing a new minimum base date for Rent Control, and look at the suggestions provided by Santa Monicans for Renters Rights.

Councilmember McKeown, clarified his motion by restating that staff should explore very specifically the “clean fix” and to also look at other options including doing nothing, and the SMRR proposal.

Councilmember McKeown, proposed an amendment to his original motion to, hold off on the recommendation to explore different options including the SMRR proposal, and doing nothing. And to make the motion to direct staff to determine the best way to move the base date from 1978 to 2018, at some date certain, prior to beginning of the discussion, such that it gives housing providers the certainty that they are not going to suffer the rollbacks, and renters the certainty that if Costa-Hawkins repeal passes, it won't cause a wave of evictions under the Ellis Act all over Santa Monica.

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

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to ask staff to study the Santa Monica for Renters Rights proposal and come back in the fall with a progress report and wait until the beginning of next year an initial discussion and possible policy analysis.

ORDINANCES:
**SHARED MOBILITY
DEVICES**

7.A. Second Reading and Adoption of Ordinance No. 2578 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 3.21 ESTABLISHING A SHARED MOBILITY DEVICE PILOT PROGRAM AND RELATED PERMITTING AND OPERATOR SELECTION PROCESS”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Mayor Pro Tem Davis, seconded by Councilmember O’Day, to adopt the ordinance, reading by title only and waiving further reading thereof. 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

ELECTIONS CODE

7.B. Second Reading and Adoption of Ordinance No. 2579 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SECTIONS 11.04.040 AND 11.04.050 OF THE CITY ELECTIONS CODE TO MAKE A CLERICAL CORRECTION AND TO UPDATE LIMITS ON CAMPAIGN CONTRIBUTIONS TO CITY CANDIDATES”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember McKeown, seconded by Councilmember O’Day, 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,
Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: Councilmember O’Connor

STAFF
ADMINISTRATIVE
ITEMS:
CHARTER AMENDMENT

8.A. Proposed Ballot Measure Amending the City Charter to Require a Super-Majority Council Vote to Amend the Land Use and Circulation Element or the Downtown Community Plan to Increase Permitted Heights or Floor Area Ratios, was presented.

Recommended Action

In accordance with previous Council direction, staff recommends that the City Council adopt attached **Resolution No. 11127 (CCS) (Attachment A)**

entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA SUBMITTING TO THE VOTERS A MEASURE AMENDING CITY CHARTER SECTION 615 TO REQUIRE THE AFFIRMATIVE VOTES OF AT LEAST FIVE MEMBERS OF THE CITY COUNCIL IN ORDER TO INCREASE THE MAXIMUM HEIGHT OR LIMIT OR FLOOR AREA RATIO SPECIFIED IN ANY LAND USE DESIGNATION IN THE LAND USE AND CIRCULATION ELEMENT OF THE GENERAL PLAN OR THE DOWNTOWN COMMUNITY PLAN.”

Members of the public Jerry Rubin, Carey Upton, Andrew Hoyer, Jonathan Foster, and Paula Larmore, and Carl Lisberger spoke on the recommended action.

Considerable discussion ensued on topics including, but not limited to; that this will create a divisive development measures on the ballot; the super-majority requirement is undemocratic; opposition to this measure addressing only increases, not decreases in heights; and, requiring a super-majority will produce better projects.

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

Mayor Winterer proposed a friendly amendment to ask when a vote on an amendment covered by this provision, that it may only be taken when all members of the City Council eligible to vote are present.

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

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

*Councilmember McKeown
excused at 9:39p.m.*

*Councilmember Vazquez
excused at 9:41 p.m.*

Councilmember McKeown recused himself from the vote due to a possible conflict because he works for the school district.

Councilmember Vazquez recused himself from the vote due to a possible conflict because his wife is a member of the school district.

Motion by Mayor Winterer, seconded by Councilmember Himmelrich, to include language in the ballot language to exempt the school district land from the super-majority provision.

The vote was approved by the following vote:

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

NOES: None

ABSENT: Councilmembers McKeown, Vazquez, O'Connor

Deputy City Attorney Shin read the changes to the resolution and the Charter into the record as follows:

The Measure: Adds the language at least five members of the City Council and the presence of all members of the City Council eligible to vote on the amendment. And at the end of the proposition, adding the phrase "and development projects on property owned by the Santa Monica-Malibu Unified School District."

The Charter language: at the end of the first sentence, which previously concluded with the words Section 9.52.020 of the Zoning Ordinance, adding "and development projects owned by the Santa Monica-Malibu Unified School District or successor school district in the City of Santa Monica." Also being included is the sentence, "A vote on an amendment covered by this provision may only be taken by all members of the City Council eligible to vote are present."

Mayor Winterer and Councilmember Vazquez agreed to prepare the Argument and Rebuttal for the ballot measure on behalf of the City Council.

LABOR PEACE AGREEMENT

8.B. Labor Peace Agreements for Food-Service Operators on City-Owned Properties, was presented.

Recommended Action

Staff recommends that the City Council consider whether the model of the San Francisco Airport Labor Peace/Card Check policy is responsive to Council's October 2017 direction to develop new Labor Peace policy provisions for the City's food service leases (subject to setting thresholds for exempting various subcategories of those leases from an LPA requirement).

Members of the public Jerry Rubin, spoke generally in favor of the recommended action.

Members of the public Hunter Hall, Janet Fernandez, Alma Maldonado, Viva de Vica, Peter Warda, Matt Sutton, Matt Stauffer, Laurel Rosen, Peter Gruning, Peter Trinh, Lynne Thomas, Robert Kull, Jeff Klocke, West Hooker-Poletti, Dan Thomas, John Clarizio, Garrett Gerson, Jim Christel,

Richard Chacker, Fred Deni, Andrew Hoyer, Zina Josephs, Matt Miller, Michael Myers, Lynn Dickinson, Elizabeth Hansen, Gigide Purlales, and Jesse Switzer spoke generally in opposition to the recommended action.

Questions asked and answered of staff included: why was the San Francisco template used instead of the template being used by the School district; the 9th Circuit approved the LAX version, is it true that this is being sent to the Supreme Court; is it true that the Labor Peace language currently in contracts is unenforceable; are there provisions in the airport Labor Peace agreements that would not apply to city owned properties; what are the differences between the airport and the city having labor agreements (marketing vs. revenue); how many businesses are flat rate versus percentage; considering so many of these workers perform a variety of work, how many labor unions would be involved in this; what is the range of number of employees; what are the revenues received; what should be the point for exemptions; how many restaurants are under lease with the city currently; how many food operators are there throughout the city; and, does labor peace require you to be a member of a union.

Considerable discussion ensued, but not limited to: protecting local businesses from selling out to large chain restaurants in order to sustain having unions, there is a current Labor Peace in all of the local agreements; in order to have more local businesses, you have to provide incentives; and, is there anything that the city can do with Labor Peace to protect local businesses.

Motion by Councilmember McKeown to adopt the school district language for handling the Labor Peace Agreement and come up with a phrase to replace “arbitrary and capricious.” Suggested language included, “The arbitrator/mediator can invalidate the proposed LPA if it would threaten the viability of the endeavor and the revenue for the city.” The motion failed for a lack of a second.

Motion by Mayor Winterer, seconded by Councilmember McKeown, to continue with the existing Labor Peace Policy in leases, to direct staff to begin to negotiate new leases with those tenants on city land with food and beverage service, businesses that have been on month to month leases and are seeking to renew or extend those leases, and that direction be given to staff to look at the city’s leasing policy to see if there are other tools besides the ones that have been presented to give greater protection to workers and to ensure in the event of any work stoppages or other actions that the city’s revenues are better protected.

Staff suggested a modification to the motion to include, begin negotiations to initiate the RFP process, which will subsequently lead to lease negotiations. The modifications was considered friendly to the maker and

seconded.

The motion was unanimously approved by voice vote, with Councilmember O'Connor absent.

COUNCILMEMBER
DISCUSSION ITEMS:
ANNUAL
APPOINTMENTS

13. COUNCILMEMBER DISCUSSION ITEMS

13.A. Annual Appointments to Boards and Commissions for terms ending June 30, 2018, was continued to July 24, 2017.

Board/Commission	No. of Appts.	Term Ending
Airport Commission	1	6/30/2022
Architectural Review Board	2	6/30/2022
Arts Commission <i>(Must reside or work in the City of Santa Monica)</i>	2	6/30/2022
Commission for the Senior Community	3	6/30/2022
Commission on the Status of Women	2	6/30/2022
Disabilities Commission <i>(One must be a person with a self-identified disability)</i>	3	6/30/2022
Downtown Santa Monica, Inc. <i>(Must live, work, own property, or hold a business license in the City of Santa Monica)</i>	3	6/30/2022
Housing Commission	2	6/30/2022
Landmarks Commission <i>(One appointment must be a local historian. One appointment must be an architect historian)</i>	3	6/30/2022
Personnel Board	1	6/30/2023
Planning Commission	1	6/30/2022
Recreation and Parks Commission	2	6/30/2022

Santa Monica Library Board	2	6/30/2022
Santa Monica Travel & Tourism, Inc.	1	6/30/2021
Santa Monica Travel & Tourism, Inc.	3	6/30/2022
Social Services Commission	2	6/30/2022

**UNSCHEDULED
VACANCIES**

13.B. Appointment to two unscheduled vacancies on the Clean Beaches Ocean Parcel Tax Citizens Oversight Committee for one term ending 12/31/2018 and one term ending 12/31/2019, was continued to July 24, 2018.

L.A. WORKS

13.C. Request of Mayor Winterer that the Council allocate \$1,000 as a matching grant to L.A. Works, a 501(c)3 non-profit that creates and implements hands-on community service projects throughout the greater Los Angeles area. The funds will go towards City event-related costs for their “From Streets to Shelter” event on August 11th at Clover Park. The event will bring together hundreds of corporate and community volunteers to focus on the pressing issue of homelessness at an engaging pop-up event, was presented.

Motion by Mayor Winterer, seconded by Councilmember O’Day, to approve the recommendation. 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 absent

**SANTA MONICA
MALIBU EDUCATION
FOUNDATION**

13.D. Request of Councilmembers Himmelrich and Vazquez that the Council allocate \$22,000 to the Santa Monica Malibu Education Foundation as startup funds for the implementation of a Mariachi Education Program. The initial pilot program will begin at Edison Elementary and will offer students an educational experience that would expand their cultural awareness and promote a lifelong appreciation for this genre of music, was presented.

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

**ELIGIBILITY
REQUIREMENTS**

13.E. Request of Mayor Winterer and Mayor Pro Tem Davis and Councilmember McKeown, to give direction to the City Attorney to provide language for a potential Charter Amendment and Municipal Code amendment to change eligibility requirements for the Senior Commission, Airport Commission, Library Board, and Personnel Board from “qualified electors” to “residents” to encourage civic involvement by all our residents, as outlined in the June 15 Information Item, was presented.

Motion by Mayor Winterer, seconded by Mayor Pro Tem Davis, to approve the staff recommendation. The motion was approved by voice vote with Councilmember O’Connor absent.

PUBLIC INPUT:

Members of the public Denise Barton and Johnathan Foster commented on various local issues.

ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 12:33 a.m. in memory of Andrew Estefan Walton.

ATTEST:

Denise Anderson-Warren
City Clerk

APPROVED:

Ted Winterer
Mayor