

APPROVED
CITY OF SANTA MONICA
CITY COUNCIL MINUTES

APRIL 24, 2018

A regular meeting of the Santa Monica City Council was called to order by Mayor Winterer at 5:30 p.m., on Tuesday, April 24, 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 6:25 p.m.*)
Councilmember Terry O'Day (*arrived at 5:40 p.m.*)
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 5:30 p.m., with all members present except Councilmembers O'Day and O'Connor. Mayor Pro Tem Davis led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

*Councilmember O'Day
arrived at 5:40 p.m.*

*Councilmember O'Connor
arrived at 6:25 p.m.*

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

On order of the Mayor, the City Council recessed at 5:32 p.m., to consider closed sessions and returned at 6:45 p.m., with all members present, except Councilmember O'Connor and O'Day 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): Sutphin v. City Of Santa Monica, Los Angeles Superior Court, Case No. BC 624887

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 – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) : 2 cases

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): Lecip, Inc. v. City of Santa Monica, Los Angeles Superior Court, Case No. BC 620795

The City Attorney advised this matter was regarding a complaint alleging breach of contract against the city. The claims relate to a contract between the Big Blue Bus and Lecip for automatic fare collection services. The city disputes and denies the claims in the complaint, the City Attorney’s Office recommends a settlement in the amount \$130,000.

Motion by Mayor Pro Tem Davis, seconded by Councilmember Himmelrich, to approve Settlement Agreement No. 10661 (CCS) in the amount of \$130,000. The motion was approved by the following vote:

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

1.F. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Terranova v. City Of Santa Monica, Los Angeles Superior Court, Case No. BC 673195.

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

SPECIAL AGENDA
ITEMS:

*Councilmember O'Connor
returned at 6:46 p.m.
Councilmember O'Day
returned at 6:50 p.m.*

2.A. Proclamation declaring April 25, 2018 as Denim Day in the City of Santa Monica, was presented by the Mayor.

2.B. Proclamation recognizing April 2018 as Community College Month, was presented by the Mayor.

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.

The City Clerk announced that a small edit was made to the Feb. 27th minutes, Item 3.A. to include the word “encourage” to Councilmember McKeown’s motion on Page 9 of those minutes.

Members of the public Jerry Rubin, Ned Landon, and Denise Barton commented on various Consent Calendar items.

At the request of Councilmember Vazquez, Item 3-G was removed from the Consent Calendar.

Motion by Councilmember Vazquez, seconded by Mayor Pro Tem Davis, to approve the Consent Calendar except for Item 3-G, including the revisions to Item 3.A., 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

MINUTES

3.A. Minutes for the City Council - Regular and Special Joint Meeting - Feb 27, 2018 5:30 PM, were approved with revisions.

MINUTES

3.B. Minutes for the City Council - Special Meeting - Mar 6, 2018 4:30 PM, were approved.

ELECTRICAL SUPPLIES

3.C. Bid Award for Local Electrical Supplies via In-Store Purchases, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4306 to Electric Supply Connection, a California-based

company, to furnish electrical supplies via in-store purchases as required by the Public Works Department; and

2. Authorize the Purchasing Services Manager to issue the Public Works Department a purchase order with Electric Supply Connection for the purchase of electrical supplies in an amount not to exceed \$100,000 for one year, with two additional two-year renewal options, with an annual increase of 2%, for a total amount not to exceed \$520,405 over a five-year period, with future year funding contingent on Council budget approval.

FACILITIES RENEWAL PROJECT

3.D. Award Construction Management Services Agreement for Citywide Facilities Renewal Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #SP2507_FRP to PMCS Group, a California-based company, for construction management services; and
2. Authorize the City Manager to negotiate and execute Agreement No. 10662 (CCS) with PMCS Group in an amount not to exceed \$317,680 (including a 10% contingency) for one year with no additional renewal options.

SAFE ROUTES TO SCHOOL

3.E. Award Construction Contract for Edison Language Academy Safe Routes to School Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2395 to PALP Inc., dba Excel Paving Company, a California-based company, for the Edison Language Academy Safe Routes to School Project;
2. Authorize the City Manager to negotiate and execute Contract No. _10663 (CCS) with PALP Inc., dba Excel Paving Company, in an amount not to exceed \$610,468 (including a 10% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority; and
4. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

TRANSIT REPAIRS

3.F. Bus Body Repairs and Painting Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4318 to Carlos Guzman Inc., a California-based company, to provide body repair and painting of transit coaches;
2. Authorize the City Manager to negotiate and execute Agreement

No. 10664 (CCS) with Carlos Guzman Inc., in an amount not to exceed \$703,098 for one year, with four (4) additional contract years, in the amount of \$2,812,392 on the same terms and conditions for a total amount not to exceed \$3,515,490 over a five-year period which includes a \$319,590 10% contingency with future year funding contingent on City Council budget approval.

UPHOLSTERY SERVICES

3.H. Upholstery Services for Transit Buses and Fire Vehicles, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4321 to Ye Olde Upholstery Shoppe, a California-based company, to provide upholstery service for Big Blue Bus and Fire Department Vehicles;
2. Authorize the City Manager to negotiate and execute Agreement No. 10665 (CCS) with Ye Olde Upholstery Shoppe, in an amount not to exceed \$106,028 for one year, with four (4) additional contract years, in the amount of \$513,179 which includes a 3% annual cost escalator and a 10% contingency, for an amount not to exceed \$619,206 over a five-year period, with future year funding contingent on City Council budget approval.

UNLEADED FUEL

3.I. Award Bid for Unleaded Fuel, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4296 to Pinnacle Petroleum, Inc., a California-based company, for the purchase and delivery of Top-Tier unleaded gasoline;
2. Authorize the Purchasing Services Manager to issue purchase orders with Pinnacle Petroleum, Inc. for the purchase and delivery of Top-Tier unleaded gasoline in the amount not to exceed \$864,946 (includes a 20% contingency) for one full year, with five-additional one-year renewal options to extend on the same terms and conditions for a total amount not to exceed \$5,189,676 with future year funding contingent on Council budget approval.

SCHOOL PEDESTRIAN IMPROVEMENTS

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

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a first modification to professional services agreement #10551 (CCS) in the amount of \$59,263 with Anderson Penna, a California-based company, for engineering design services for pedestrian

safety improvements. This will result in a 3 year amended agreement with a new total amount not to exceed \$208,389.

**FOOD WASTE
PREVENTION**

3.K. Execute Agreement for Food Waste Prevention and Rescue Grant Program, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to accept a grant awarded in the amount of \$100,000 from the California Department of Resources Recycling and Recovery (CalRecycle) Food Waste Prevention and Rescue Grant Program for a Santa Monica food recovery and donation program, and to accept all grant renewals;
2. Authorize the City Manager to execute all necessary documents to accept the grant and all grant renewals; and
3. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of this report.

**FACILITY SECURITY
EQUIPMENT**

3.L. Contractual Services Agreement for Facility Security Equipment and Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute Agreement No. 10666 (CCS) with Siemens Industry, Inc. (Siemens), a California-based company, facility security equipment, systems and services, including related equipment and supplies in an amount not to exceed \$1,500,000 over five years, with future year funding contingent on Council budget approval; and
2. Authorize the City Manager to negotiate and execute Agreement No. 10667 (CCS) with Siemens for building automation system upgrades and expansion in an amount not to exceed \$1,215,847 (including a 10% contingency).

These recommended awards are made as an exception to the competitive bidding process pursuant to Section 2.24.080 (b), in a total amount not to exceed \$2,715,847.

**THIRD STREET
PROMENADE PILOT**

3.G. Pilot-Program License Agreement with Downtown Santa Monica, Inc. for the Third Street Promenade to provide public-serving programs and amenities, was presented.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute pilot-program license Agreement No. 10668 (CCS) with Downtown Santa Monica, Inc. for the Third Street Promenade to provide public-serving programs and amenities for an initial term of one

year with four, one-year renewal options with no license fee.

This item was pulled by Councilmember Vazquez to ask questions of staff, specifically if it is time sensitive, and how would it impact the program if this item were to be continued.

Motion by Councilmember Vazquez, seconded by Councilmember Himmelrich, to approve the recommended action.

Councilmember McKeown asked that Council be kept apprised if any controversies that arise. And, stated for the record, that the Council greatly values the contribution of the performers on the Third Street Promenade, and they would hate to impede that in any way.

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

STUDY SESSION:
FLEET COMPOSITION

4.A. Fleet Composition Study, was presented.

Recommended Action

Staff recommends that the City Council:

- 1) Review, and provide guidance to staff on the future implementation of a BBB vehicle propulsion technology for the BBB fleet to achieve a goal of Zero Emissions;
- 2) Provide feedback regarding a proof of concept program for evaluating the operational effectiveness and efficiency of a sub-fleet of electric buses which shall consist of up to 10 battery electric buses and requisite infrastructure at the BBB yard; and
- 3) Authorize staff to work with the Federal Transit Administration (FTA) Office of Innovation, FTA Region 9 Office, and Gillig, LLC for the procurement of one 40-foot electric propelled bus from Gillig, LLC under the FTA’s Prototype Waiver Program that would be produced in December 2018, and placed into revenue service in January 2019.

Members of the public Diane Forte, Jerry Rubin, Michelle Kinman, Hector Huevo, Kent Minoult, Carto de la Cruz, Darrell Clarke, Alex Nagy, Adrian Martinez, Gwynne Pugh, Ken Chawkins, Emili Abdel-Ghany, Kelly Olsen, Derek D. Turbide (time donated by Todd Campbell), and Carter Rubin spoke on the recommended action.

Questions asked and answered of staff included: the language in the resolution consistent with what is being presented tonight; the range of usage for the energy buses versus the current fleet; how much more competitive are we with the grant funding, and does it give us a better chance of receiving funding if we use reduced emission vehicles; what is the warranty on the 150 mile buses, and what does that mean; look at the cost for RNG and the possibility that it will increase in cost in California; why Gillig, LLC for the prototype instead of one of the other companies out there now; and, was the larger impact of using methane and the impact of leakage looked at; has staff asked for advice from the Task Force on the Environment; given that ridership is down, what is the plan to move forward to determine how many buses are needed going forward; why is the maximum being proposed only 10, instead of 10 being the minimum; and, how many buses in total are going to be retired this year.

Considerable discussion ensued on topics including, but not limited to: for now whether or not 10 buses are sufficient to buy in order to meet the city's 2030 goal of having an all-electric fleet; how important is it to have objectives with milestones and tracking in order to achieve sustainable goals; and due to the decrease in bus transportation, there is a need to look at our transit service overall before making any big financial commitments.

Motion by Councilmember McKeown, seconded by Councilmember O'Day, to provide direction to staff to support moving forward with a pilot project of purchasing up to 10 electric buses, as the next step.

Mayor Pro Tem Davis, proposed an amendment to the direction to include, to move us towards decarbonization of our transit system as quickly as possible, with no minimum on the amount of buses.

The maker accepted and restated the motion to say, authorize staff to begin a pilot program. The change was considered friendly by the seconder, with the inclusion that this is in preparation for the next major purchase of buses in 2021.

Councilmember O'Day, proposed adding back in the 10 buses as a minimum. This was considered friendly by the maker.

The Mayor restated the motion as follows: Give direction to staff that authorizes the purchase of one Gilly bus and go out and pilot 10 or more electric vehicles; provide a proof of concept plan, and come back quickly with all of the results from the pilot; and, keep the Council regularly updated on the progress towards the next bus purchases in 2021. The motion was unanimously approved by voice vote with all members present.

ADMIN. PROCEEDINGS:
DEVELOPMENT
REVIEW PERMIT

6.A. Appeal of the Planning Commission's decision to approve Development Review Permit (16ENT-0034) allow a new four-story (36 feet) 59,319 square-foot mixed-use project consisting of 47 residential units, 16,755 square feet of ground floor commercial space, and 151 automobile parking spaces within a two-level subterranean parking garage, was presented.

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 Development Review Permit 16ENT-0034; and
2. Adopt the Statement of Official Action, pursuant to the draft findings and conditions.

Ex-Parte Communication

Mayor Pro Tem Davis reported that she had not spoken to anyone directly about the appeal, but drove to the sight, got out of her car, walked on Wilson, down Lincoln and the entire perimeter of the site, and observed traffic on Lincoln as well.

Councilmember McKeown reported that he has been at the site three times in the past week, he read carefully the emails received on both sides of the issue, and spoke twice with two different Planning Commissioners who were involved with the original approval to ask them some questions about their thought process and how they came to vote.

Councilmember Himmelrich reported that she walked the site last week, and watched the entire Planning Commission meeting on the project, and spoke to one of the Planning Commissioners involved in the project, a few times, spoke to staff a few times, read all of the mail that was received from various members of the public, and looked and requested from staff the original planning application and other documents relating to this appeal.

Councilmember Vazquez reported that he is familiar with the site because he has a family friend who has a house right above the property, has had several conversations with members of that community and staff, hasn't talked to anyone on the development side of the project.

Mayor Winterer reported that other than reading the emails that were sent to all of Council and part of the public record, he did receive an email that was addressed to him from the appellant that he acknowledged he read and received, emailed dialogue with Mr. Tongsu, who lives nearby about his concerns about the project.

Lina Lee spoke representing the Applicant
Rachel Kelley spoke representing the Appellant

Members of the public Rosslyn “Beth” Hummer, Jerry Rubin, Gwynne Pugh, Doug Tichenor, Mitchell Lockman, Fernando Geocovitch, and, Shaul Kuba spoke generally in opposition to the appeal.

Members of the public Debby Tunks (time donated by Timothy Tunks), Gerald Saldo, Denise Barton, Jane Demsey (time donated by Charles Hayes), Zina Josephs, Vincent Esparza, Stan Ginsburg, Emili Adbel-Ghany, Peter Borrenjen, and, Ann Thanawalla spoke generally in favor of the appeal.

Questions asked and answered included: has anyone measured the grade on Ashland, Wilson, and Lincoln; how will parking be accommodated; is this owner the same developer that built a 10-unit housing up the hill from this location; was the number of parking spaces required by code or was there an analysis done; because the frontage should be the most narrow part of the property, shouldn't Wilson be the front instead of Ashland; is there any flexibility to add more affordable units; why haven't the ARB float-up recommendations been addressed since the Planning Commission, including the sustainable, mechanical, electrical, and plumbing; is everything on this project in compliance; what limitations does Council have when making recommendations for this project, specifically with traffic mitigations; given the improvements to Lincoln Blvd., how well does this project integrate; does the code give the applicant the discretion to determine how the grade is measured; and, could a condition be to require more low income units to the project and traffic plans.

Considerable discussion ensued on topics including, but not limited to traffic median and U-turns in the Linc plan; Sunset Park traffic plan; Vision Zero and the negative impact from U-turns.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Davis, to deny the appeal with the Statement of Official Action reflecting those specific directions made by the Architectural Review Board. 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

Motion by Mayor Winterer, seconded by Councilmember Himmelrich, to give direction to staff when the Sunset Park traffic plan is done, that specific attention is paid to issues that arise on Ashland Avenue and

Wilson Place, and that we do our utmost to enforce whatever construction regulations that are imposed on the adjacent CIM project. The motion was unanimously approved by voice vote.

Motion by Councilmember Himmelrich, seconded by Mayor Winterer, to give direction to staff look at the grade issue, the affordable housing production program issue, and the frontage issue. The motion was unanimously approved by voice vote.

ORDINANCES:
PARKING RATES

7.A. Introduction and First Reading of an Ordinance Modifying Sections of the Santa Monica Municipal Code Related to the Management of Parking and Adoption of Resolution No. 11110 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING PARKING RATES AND PERMIT FEES FOR ALL CITY PARKING FACILITIES AND RESOURCES”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Introduce for first reading an ordinance (Attachment A) modifying the Monica Municipal Code (SMMC) Section 3.16 related to on-street parking management and 3.04 related to off-street parking management; and
2. Adopt the attached resolution (Attachment B) establishing new transient parking rates and permit parking fees for various City parking facilities.

Members of the public Denise Barton, Ann Thanawalla, and Zina Joseph spoke to the recommended action.

Questions asked and answered of staff included: additional permits, if they are too low, which encourages people to drive instead of carpooling; could there be a different fee for residents versus non-residents; are the subsidized parking access at the Library and Ken Edwards included in this plan; are hearings on parking rates being abolished in this plan; and, is it in the plan that some of the revenue from parking with go back into maintaining the structures.

Motion by Mayor Pro Tem Davis, seconded by Councilmember O’Day, to approve 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

Motion by Councilmember McKeown, seconded by Councilmember O'Day, to introduce for first reading an ordinance modifying the Santa Monica Municipal Code (SMMC) Section 3.16 related to on-street parking management and 3.04 related to off-street parking management, reading 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

Councilmember O'Day was excused at 11:53 p.m.

Motion by Mayor Winterer, seconded by Councilmember Himmelrich, to Adopt the Resolution No. 11110 (CCS) establishing new transient parking rates and permit parking fees for various City parking facilities, 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, Mayor Winterer

NOES: None

ABSENT: Councilmember O'Day

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 12:02 a.m. in memory of Frank Barnes and Michael Castagnola.

ATTEST:

APPROVED:

Denise Anderson-Warren
City Clerk

Ted Winterer
Mayor

Signature: 
Ted Winterer (Aug 29, 2018)

Email: ted.winterer@smgov.net

Signature: 

Email: denise.anderson-warren@smgov.net