

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 8, 2019

A regular meeting of the Santa Monica City Council was called to order by Mayor Davis at 5:30 p.m., on Tuesday, January 8, 2019, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Gleam Davis
Mayor Pro Tem Terry O’Day (*arrived at 5:31 p.m.*)
Councilmember Sue Himmelrich
Councilmember Kevin McKeown
Councilmember Greg Morena
Councilmember Ted Winterer

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

CONVENE/PLEDGE
*Mayor Pro Tem O’Day
arrived at 5:31 p.m.*

On order of the Mayor, the City Council convened at 5:31 p.m., with all members present except Mayor Pro Tem O’Day. City Attorney Lane Dilg led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

Member of the public Denise Barton commented on closed sessions.

On order of the Mayor, the City Council recessed at 5:33 p.m., to consider closed sessions and returned at 6:44 p.m., with all members present, to report the following:

**1.A. 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 is an anticipated exposure to litigation. SAMO Apartments LLC has threatened litigation against the City and the Housing Authority regarding application of the maximum exception payment standard approved by the U.S. Department of Housing and Urban Development (HUD) in 2016 for Section 8 voucher holders. The City Attorney’s Office recommended a settlement to this potential litigation without litigation, and without conceding the legal position of the city and the Housing Authority. The terms of this settlement would include application of the most current maximum exception payment standard approved by HUD for the Section 8 program for all new voucher holders,

and application of the Housing Assistance Payment (HAP) contract rental amount in place at the time of settlement for voucher holders with HAP contracts executed prior to that date. The settlement would also provide the city with two weeks to refer perspective tenants to SAMO properties when vacancies arise and implementation of the city’s live-work preference for tenant selection.

Motion by Councilmember Winterer, seconded by Mayor Pro Tem O’Day, to approve Settlement No. 10799 (CCS). The motion was approved by the following vote:

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

1.B. 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.

SPECIAL AGENDA ITEMS:

2.A. Proclamation declaring January 22-24, 2019 as Homeless Count Week in the City of Santa Monica, was presented by the Mayor.

2.B. Acceptance of Councilmember Vazquez's resignation, declare vacant seat, and discuss options to fill vacancy, was presented.

Recommended Action

Staff recommends that the City Council accept Councilmember Vazquez’s letter of resignation, adopt attached **Resolution No. 11157 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA DECLARING A VACANCY ON THE CITY COUNCIL”** and discuss next steps for filling the vacancy in accordance with Section 603 of the City Charter, and direct staff accordingly.

Questions asked and answered of staff included: for transparency reasons, will these applications be immediately available for anybody in the public to see; is it illegal to have a secret ballot vote; and is the application prepared and ready to go.

Members of the public Mary Marlow and Jerry Rubin spoke on the recommended action.

The City Attorney stated a few typographical errors with the dates on the resolution, but that those errors will be corrected.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O’Day, to adopt the resolution declaring a vacancy on the city council. The motion was approved by the following vote:

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

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O’Day, to approve the staff recommendation to open an online application process to fill the Council vacancy beginning January 8, 2019 through January 17, 2019 for consideration at the regular January 22, 2019 meeting. If for some reason a decision is not made at the January 22nd meeting, Council will have the option to continue the selection and call for a Special meeting to make an appointment. If a selection is not made a Special meeting within 30 days, in accordance with the City Charter, the Council will have to call for an election to fill the vacancy.

Councilmember McKeown, proposed a friendly amendment to only consider persons who have filed online applications that are visible to the public. The motion was considered friendly by seconder. The motion was unanimously approved by voice vote, with all councilmembers present.

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.

Member of the public Mary Marlow commented on various Consent Calendar items.

The City Manager disclosed for Item 3.C. that his ex-spouse is married to a principle in one of the subcontracting firms that has been awarded this contract, and that he had no involvement in the selection process.

At the request of Councilmember McKeown, Item 3.D. was pulled, and at the request of Councilmember Himmelrich, Item 3.E, was removed from the Consent Calendar.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O’Day, to approve the Consent Calendar except for Items 3.D and 3.E,

reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Winterer, McKeown, Himmelrich, Morena, Mayor Pro Tem O’Day, Mayor Davis

NOES: None

ABSENT: None

BIG BLUE BUS

3.A. Award Construction Contract for the Big Blue Bus Facilities Upgrades and Renovations Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid # SP2501 to Thomco Construction, Inc., a California-based company, for the construction of the Big Blue Bus Facilities Upgrades and Renovations Project.
2. Authorize the City Manager to negotiate and execute Agreement No. 10797 (CCS) with Thomco Construction, Inc. in an amount not to exceed \$1,752,320 (includes a 30% contingency).
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

DUMP TRUCK BID

3.B. Award Bid to Frontier Ford for Up to Three 4-Yard Dump Trucks, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4359 to Frontier Ford, a California-based company, for the purchase and delivery of up to three 4-yard compressed natural gas (CNG) dump trucks for the Public Works Department;
2. Authorize the Procurement Manager to issue a purchase order with Frontier Ford for the purchase and delivery of two 4-yard CNG dump trucks in the amount not to exceed \$196,336, with future year funding contingent on Council budget approval; and
3. Authorize the Procurement Manager to issue any necessary change orders to the purchase order in an amount not to exceed \$98,168 for the purchase of up to one additional vehicle within 12 months after receipt of the purchase order, at the same price terms and conditions, to replace additional vehicles identified as needing replacement or those vehicles damaged beyond repair during the course of City business. This would result in a revised purchase order total amount not to exceed \$294,504, with future year funding contingent on Council budget approval.

**WILSHIRE BOULEVARD
CORRIDOR**

3.C. Award Contract for Wilshire Boulevard Corridor Safety Enhancement Study, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #193 to Toole Design Group to provide consulting services for the Wilshire Boulevard Corridor Safety Enhancement Study.
2. Authorize the City Manager to negotiate and execute Agreement No. 10798 with Toole Design Group, in an amount not to exceed \$510,000 for two years

POLICE EQUIPMENT

3.D. Purchase of Video Storage System for the Police Department’s closed-circuit television (CCTV) system, was presented.

Recommended Action

Staff recommends that the City Council

1. Award Bid # 4374 to Integrated Media Technologies, Inc, a California-based company for the purchase of a video storage system for the Police Department’s closed-circuit television (CCTV) system.
2. Authorize the Procurement Manager to issue a purchase order with Integrated Media Technologies, Inc. for a video storage system, which includes three years maintenance, for the Police Department CCTV system in the amount not to exceed \$550,750.
3. Authorize budget changes as outlines in the Financial Impacts & Budget Actions section of this report.

This item was pulled by Councilmember McKeown to ask the questions on the length of archiving the videos, and whether the retention was still 90 days.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O’Day, to approve the staff recommendation. The motion was approved by the following vote:

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

**DEVELOPMENT
IMPACT FEES**

3.E. Annual Reporting of Development Impact Fees, was presented.

Recommended Action

Staff recommends that the City Council review and accept the FY 2017-18 Annual Reporting of Development Impact Fees per the Mitigation Fee Act

(Government Code 66000-66025) and the FY 2017-18 Childcare Linkage Fee Report per SMMC Section 9.65.

This item was pulled by Councilmember Himmelrich to hear how the water neutrality fee is helping to mitigate new water uses.

Motion by Councilmember Himmelrich, seconded by Mayor Pro Tem O’Day, to approve the staff recommendation. The motion was approved by the following vote:

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

ORDINANCES:
WIRELESS SERVICE FACILITIES

Mayor Davis was excused at 7:16 p.m.

7.A. Second Reading and Adoption of Ordinance No. 2595 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA REPEALING AND REPLACING IN ITS ENTIRETY THE TEXT OF SANTA MONICA MUNICIPAL CODE CHAPTER 7.70 PERTAINING TO PERSONAL WIRELESS SERVICE FACILITIES IN THE PUBLIC RIGHT-OF-WAY”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Mayor Davis recused herself due to a possible conflict of interest.

Motion by Councilmember McKeown, seconded by Councilmember Winterer, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

ENFORCEMENT AUTHORITY

Mayor Davis returned at 7:17 p.m.

7.B. Second Reading and Adoption of Ordinance No. 2596 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTERS 4.62 AND 4.63 TO ENHANCE INVESTIGATORS’ ENFORCEMENT AUTHORITY AND ACCESS TO RECORDS”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember Winterer, seconded by Councilmember Himmelrich, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

NEW DEVELOPMENT WATER USAGE

7.C. Second Reading and Adoption of Ordinance No. 2597 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA REPLACING AND RESTATING IN ITS ENTIRETY THE TEXT OF SANTA MONICA MUNICIPAL CODE SECTION 7.16.050 TO REQUIRE THAT NEW DEVELOPMENT OFF-SET WATER USE ON-SITE OR OFF-SITE, OR, ALTERNATIVELY, PAY THE CITY AN IN-LIEU FEE TO FUND RETROFITTING OF PLUMBING FIXTURES OFF-SITE”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember Himmelrich, seconded by Councilmember Winterer, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

PARK AND BEACH REGULATIONS

7.D. Second Reading and Adoption of Ordinance No. 2598 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING CHAPTERS 4.55 AND 4.68 OF THE SANTA MONICA MUNICIPAL CODE RELATED TO PARK AND BEACH REGULATIONS AND COMMUNITY EVENTS”, was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to adopt the ordinance, reading by title only and waiving further reading thereof.

The motion was approved by the following vote:

AYES: Councilmembers Morena, Himmelrich, McKeown, Winterer, Mayor Pro Tem O’Day, Mayor Davis

NOES: None

ABSENT: None

ZONING

7.E. Introduction and Adoption of Emergency Interim Ordinance No. 2599 (CCS) entitled, “AN EMERGENCY INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXTENDING EMERGENCY INTERIM ZONING ORDINANCE NUMBER 2592 (CCS) REVISING THE DEMOLITION PERMIT REVIEW PROCESS RELATING TO THE PRESERVATION OF HISTORIC RESOURCES”, was presented.

Recommended Action

Staff recommends that the City Council introduce and adopt an emergency interim ordinance extending interim regulations for the demolition permit review process relating to the preservation of historic resources (Attachment A).

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

AYES: Councilmembers Morena, Himmelrich, McKeown, Winterer, Mayor Pro Tem O’Day, Mayor Davis

NOES: None

ABSENT: None

THIRD STREET PROMENADE

7.F. Introduction and Adoption of Urgency Interim Ordinance No. 2600 (CCS) entitled, “AN URGENCY INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXTENDING URGENCY INTERIM ORDINANCE NUMBER 2594 (CCS) CREATING USE CLASSIFICATIONS FOR RESTAURANT, FAST FOOD AND RESTAURANT, LIMITED-SERVICE AND TAKE-OUT FOR THE BC (THIRD STREET PROMENADE) DISTRICT AND PROHIBITING RESTAURANT, FAST FOOD IN ESTABLISHMENTS WITH FRONTAGE ON THE THIRD STREET PROMENADE”, was presented.

Recommended Action

Staff recommends that the City Council adopt an urgency interim ordinance extending an urgency interim ordinance prohibiting fast food restaurants on the Third Street Promenade.

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

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

RELOCATION FEES

7.G. Introduction and first reading of an ordinance amending Section 4.36.040 of the Santa Monica Municipal Code to revise regulations pertaining to permanent relocation benefits and adoption of Resolution No. 11158 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA UPDATING PERMANENT AND TEMPORARY TENANT RELOCATION FEES”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Introduce for first reading the attached Ordinance amending Santa Monica Municipal Code Section 4.36.040 revising regulations pertaining to permanent relocation benefits (Attachment A); and
2. Adopt a Resolution of the City of Santa Monica establishing Permanent and Temporary Relocation fees (Attachment B).

Member of the public Janet Gagnon spoke generally in opposition to the recommended action.

Questions asked and answered of staff included, are there any changes to the pet cost and fees, and, are the relocation fees based on actual cost.

Considerable discussion ensued on topics including, but not limited to, questions have come up on why this doesn’t address the real rental cost in Santa Monica when coming up with these figures.

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

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

Motion by Councilmember McKeown, seconded by Councilmember Himmelrich, to adopt the resolution setting permanent and temporary relocation fees. The motion was approved by the following vote:

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

**AGENDA
MANAGEMENT**

On order of the Mayor, Items 13.A. and 13.B. were heard before Item 9.A., to allow staff time to arrive for the presentation.

**COUNCILMEMBER
DISCUSSION ITEMS:
AUDIT SUBCOMMITTEE**

13.A. Appointment to two unscheduled Councilmember vacancies on the Audit Subcommittee, was presented.

There were no members of the public present.

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

Councilmember Winterer, nominated himself and Councilmember Morena.

There being no other nominations, Councilmembers Morena and Winterer were appointed to the Audit Subcommittee by acclamation.

**SANTA MONICA
SYMPHONY
ASSOCIATION**

13.B. Request of Mayor Davis, Mayor Pro Tem O’Day, and Councilmember Morena to contribute \$15,000 of council discretionary funds to the Santa Monica Symphony Association to commemorate and sponsor the 75th Anniversary of the Santa Monica Symphony. The allotted funds would be matched by other fundraising efforts by the Santa Monica Symphony Association, was presented.

There were no members of the public present.

Motion by Councilmember Morena, seconded by Mayor Pro Tem O’Day, to adopt the recommendation. The motion was approved by the following vote:

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

RECESS

On order of the Mayor, Council recessed at 7:40 p.m. and returned at 7:46 p.m. to continue the meeting.

PUBLIC HEARINGS:
WATER RATE

9.A. 2019 Water Rate Adjustment, was presented.

Recommended Action

Staff recommends that the City Council authorize a 9% water rate increase to go into effect on January 1, 2019.

Members of the public Denise Barton, Ellis Raskin and Judy Abdo, spoke on the recommended action.

Questions asked and answered of staff included: questions about the multi-family customer, and how that increase would be passed on to customers; is there a range of prices, and will the rates be higher for older buildings that are less water efficient; discussing the infrastructure, how do sink holes and pipe burst happen; can the Council see full maps from the water study; and, are there any shutoff valves in water.

Motion by Councilmember McKeown, seconded by Councilmember Morena, to adopt the staff recommendation. The motion was approved by the following vote:

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

PUBLIC INPUT:


Members of the public Denise Barton, Patrick O’Rourke, and Jerry Rubin commented on various local issues.

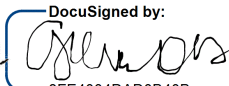
ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 8:21 p.m. in memory of James Kyung.

ATTEST:

APPROVED:

DocuSigned by:

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 Denise Anderson-Warren
 City Clerk

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 Glean Davis
 Mayor