

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**MARCH 5, 2019**

A special meeting of the Santa Monica City Council was called to order by Mayor Davis at 4:31 p.m., on Tuesday, March 5, 2019, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Gleam Davis  
Mayor Pro Tem Terry O’Day  
Councilmember Sue Himmelrich  
Councilmember Ana M. Jara  
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** On order of the Mayor, the City Council convened at 4:31 p.m., with all members present. Councilmember McKeown 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 4:35 p.m., to consider closed sessions and returned at 6:31 p.m., with all members present, to report the following:

**1.A. Public Employee Evaluation:  
Title: City Attorney**

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): 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.C. 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 not heard.

**1.D. Conference with Labor Negotiator: Government Code Section  
54957.6. Agency Designated Representatives: Lori Gentles, Chief  
People Officer-HR and Human Resources Manager Shawn Weiske,  
Bargaining Unit: Coalition of Santa Monica City Employees (CSMCE)**

The Mayor announced that staff requested this item be removed from the agenda.

Motion by Councilmember Morena, seconded by Mayor Pro Tem O’Day,  
to remove this item from the agenda. The motion was unanimously  
approved by voice vote, with all members present.

**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 that this matter was not heard.

**SPECIAL AGENDA  
ITEMS:**

**2.A. Commendations: Wellbeing Microgrant Recipients, 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.

Members of the public Denise Barton and Ann Thanawalla commented on  
various Consent Calendar items.

At the request of Councilmembers Morena and Jara, Items 3.B. and 3.D.  
were 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.B. and 3.D.,  
reading resolutions by title only and waiving further reading thereof. The  
motion was approved by the following vote:

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

ABSENT: None

**ENERGY EFFICIENCY**

**3.A. Second Modification to Agreement with Siemens Mobility, Inc. for Energy Efficiency Measures at City Parks, Parking Lots and Parking Structures,** was approved.

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute an amendment and restatement of agreement #10514 in the amount of \$193,308 with Siemens Mobility, Inc., a Texas-based company, to implement energy efficiency measures at various City parks, parking lots, and parking structures. This amendment will extend the term for one year past the date of execution, resulting in a three-and-one-half-year agreement with a new total amount not to exceed \$1,401,947, with future year funding contingent on Council budget approval.

**BREEZE BIKE SHARE**

**3.C. Professional Services Agreement for the Procurement of Breeze Bike Share Sponsorship,** was approved.

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute commission-based Agreement No. 10813 (CCS) in the amount of \$299,462 with The Superlative Group, an Ohio-based company, for the procurement of sponsorship for the City’s Breeze Bike Share system. This amendment will extend the term to no later than November 12, 2020, with one additional three-year renewal option, resulting in an eight-year amended agreement. Payment for this agreement during any extended term would continue to be commission-based and not exceed 20% of the revenue generated from the sponsorship.

**MINUTES**

**3.E. Minutes of the City Council - Special Meeting - Feb 26, 2019 4:30 PM,** were approved.

**MINUTES**

**3.F. Minutes of the City Council - Regular and Special Joint Meeting - Feb 26, 2019 5:30 PM,** were approved.

**CITY SERVICES BUILDING**

**3.B. Approval of City Services Building Artwork Fabrication Contract,** was presented.

**Recommended Action**

Staff recommends that the City Council:

1. Award Susan Narduli, a California-based artist, the fabrication contract of the artwork to be installed at City Services Building;
2. Authorize the City Manager to negotiate and execute Agreement No. 10812 (CCS) with Susan Narduli, in an amount not to exceed \$525,000.

This item was pulled by Councilmember Morena to ask questions of staff if the art is visible from inside and outside, and how the city plans to promote to the viewing of this public art.

Motion by Councilmember Himmelrich, seconded by Councilmember Morena, to approve the recommended action. The motion was approved by the following vote:

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

**CITY COUNCIL MEETING BROADCASTS**

*Councilmember Jara excused at 6:58 p.m.*

**3.D. Santa Monica Community College District Professional Agreement for Broadcasting of Regular City Council Meetings on KCRW**, was presented.

**Recommended Action**

Staff recommends that the City Council authorize the City Manager to negotiate and execute Agreement No. 10814 (CCS) with Santa Monica Community College District (SMCCD), a California –based community college district, for broadcasting regular City Council meetings on KCRW for up to five years. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.080 (a) and is for a total amount not to exceed \$300,588 with future year funding contingent on Council budget approval.

Councilmember Jara recused herself from this item, because she works for Santa Monica Community College.

Motion by Mayor Pro Tem O’Day, seconded by Councilmember Winterer, to approve the recommended action. The motion was approved by the following vote:

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

**STUDY SESSION:  
PARK AND BEACH SAFETY**

*Councilmember Jara returned at 6:59 p.m.*

*City Attorney and*

**4.A. Strategies to address Park and Beach Safety, Public Health, Maintenance, and Activation**, was presented.

**Recommended Action**

Staff recommends that the City Council review and comment on strategies to address issues related to safety, public health, maintenance, and activation of parks and the beach, and direct staff to develop one-time or ongoing activities and funding requests within the City’s FY2019-21

*Councilmember Morena  
excused at 7:00 p.m.*

Biennial Operating Budget or FY2019-20 Exception-Based Capital Improvement Program Budget processes, with future funding dependent on available resources and Council approval.

City Attorney Dilg recused herself from this item due to property she owns across the street from a park, and out of an abundance of caution stepped down for the item.

Councilmember Morena recused himself from this item because he owns a business on the Pier, which could cross with the discussion about the beach.

Members of the public John C. Smith, Denise Barton, MaryAnn LaGuardia, Lori Brown, Marcy Kaplan, and Carolyn Strowe commented on the recommendation.

Questions asked and answered of staff included: did the city get some money from County Supervisor Sheila Kuehl towards homelessness programs; what is the number of trainers at the parks as a way to activate the parks; are there some ways to incentivize trainers to come back to the parks as a way to activate the parks; are there any strategies to help Neighborhood organizations activate their own local parks; has there been any thought to having Block Party Events at the parks; returning Park Rangers, and would they work in conjunction with the Police Department; data being collected, how do you plan to use it, and what are you planning to do with that information; what are the park crimes that people would be in violation of and no longer allowed to be in the park; is it true that the 7-11 located on Wilshire, which used to be the number one location for Police calls, has now dropped off the top 20 list with a combination of the owner and police enforcement working together to reduce the nuisance; what is the thought about cameras in the parks; increase and improvement in lighting; what about panic buttons in the parks; during the closed hours of the parks, what is being done to enforce closure; thoughts on a beach curfew as a way of enforcement for closure; does data suggest if parks are closed earlier, there is a reduction in crimes; the types of crimes currently seen on the beach and at parks; what are the challenges of enforcing illegal acts (misdemeanor) when an officer is not present; is a private persons arrest public; is there proof that a sworn officer makes a difference instead of a non-sworn officers; are the problems on the beach in the middle of the night as bad as those issues at Reed Park; if the beach is closed at night, where will that criminal element go; and, is there a difference between Virginia Avenue Park and the other parks that are having criminal issues.

Considerable discussion ensued on topics including, but not limited to: there appears to be a difference between a discomfort (inappropriate acts) of what is happening at the parks versus what is illegal; the legal frame for feeding in the parks; extend the pilot program using the Downtown Ambassador Program; and, consider having conversations with the new

hotel on 7<sup>th</sup> and Wilshire to have the hospitality industry help out with this program.

Motion by Councilmember Winterer, seconded by Councilmember McKeown, to give direction to staff to come back with funding strategies to continue the Homeless Multi-disciplinary Street Team (HMST) and the Santa Monica County, City, Community (C3) programs; come back with CIP improvements to our parks, specifically Reed Park in terms of camera and lighting enhancements; and to come back with an estimate for a pilot program for an Ambassador Program type of service and evaluate the difference between having a sworn officer versus an Ambassador.

Councilmember McKeown, proposed some friendly amendments to include: approach the “Kor group” who is opening the hotel on 7<sup>th</sup> and Wilshire, and any other nearby entities who may benefit from the advantages in that park, to see if they could provide help with the problems; staff to investigate and evaluation a beach curfew, and coming back with a possible policy decision for the Council in the future; also include park activation, and making resources available to neighborhood organizations and groups for activation at the parks, with some resources available at Reed Park, such as reduce block party fees for permits; and, as we investigate closing the beach, also investigate and evaluate where the people who are currently sleeping on the beach could go, so they don’t end up in the residential neighborhood carports. The motion was considered friendly by the maker.

Mayor Pro Tem O’Day proposed a friendly amendment that maybe using the microgrants as a way to fund the neighborhood involvement, and make sure to report back to Council the impact of the new officers when they come fully onboard. The motion was considered friendly by the maker and seconder.

The motion with amendments was restated by Mayor Davis, including staff report back on the affect that having those 20 additional officers when they are all fully trained and deployed, and the effect that they will have on the issues discussed tonight.

The motion was approved by the following vote:

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

**ADMIN. PROCEEDINGS:**  
**610 CALIFORNIA**

**6.A. Appeal 19ENT-0016 of the disapproval of Structure of Merit Designation 18ENT-0316 for 610 California Avenue. Consideration of**

**AVENUE**

*Councilmember Morena and  
City Attorney Dilg returned at  
8:45 p.m.*

**a Designation Application to determine whether the subject residence should be designated as a Structure of Merit**, was presented.

**Recommended Action**

Staff recommends that the City Council uphold Appeal 19ENT-0016 thereby designating the primary residence located at 610 California Avenue as a Structure of Merit, excluding the detached accessory garage, based on the findings contained in this staff report.

**Ex-Parti Communication**

Councilmember Winterer had no communications, but for a number of years, he served as a member of the Santa Monica Conservancy, but his membership has lapsed, he is not a current member, and he does not believe that his prior membership in that organization will in any way interfere with his ability to render an objective opinion.

Councilmember McKeown had the same circumstance as Councilmember Winterer, with the same evaluation of his ability to rule on this without prejudice.

Councilmember Morena spoke with Conversancy on Sunday at approximately 3:30 p.m. about what their position was, but made no inference one way or another.

Nina Fresco spoke as the Appellant, Carol Lemlein spoke as the Applicant, and homeowner Gershon Gabel spoke on the recommendation.

Questions asked and answered included: do they have a demolition permit already pulled; did they also apply for a building permit; did staff meet with the owner to share all of the benefits and incentives to maintaining the structure; how is the owner planning to change the windows; what are some of the suggested changes to the property, and how might that work; and, why is the garage not included.

The Appellant recommended the following revisions:

- In the last sentence in Criteria, (b)(1) and (b)(2), suggest the words, “appears to satisfy” be replaced with “satisfies;”
- Finding (b)(2), suggest specifically listing more of the character defining features that the Landmarks Commission typically does, so the STOA contains a sufficiently complete summary of the record

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O’Day, to uphold the appeal, with the minor changes from the appellant.

The motion was approved by the following vote:

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

NOES: None

ABSENT: None

**COUNCILMEMBER  
DISCUSSION ITEMS:  
SOCIAL SERVICES  
COMMISSION**

**13.A. Appointment to one unscheduled vacancy on the Social Services Commission for a term ending on 06/30/2021, was presented.**

Member of the public Derek Devermont, spoke on the recommended action.

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

- Councilmember Himmelrich nominated Derek Devermont
- Councilmember McKeown, nominated Susan Einbinder
- Councilmember Jara nominated Noah Itman
- Councilmember Morena nominated Nicholas Rolston

Derek Devermont was appointed to the Social Services Commission for a term ending June 30, 2021 by the following vote:

- Devermont: Councilmembers Himmelrich, Winterer, Mayor Pro Tem O’Day, Mayor Davis
- Einbinder: Councilmember McKeown
- Itman: Councilmember Jara
- Rolston: Councilmember Morena

Councilmembers Morena and Jara changed their votes to Devermont.

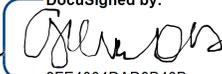
**ADJOURNMENT**

On order of the Mayor, the City Council meeting adjourned at 9:33 p.m. in memory of Michael (Ziggy) Clark Luthern and Claudia Fragoso.

ATTEST:

APPROVED:

DocuSigned by:  
  
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 Denise Anderson-Warren  
 City Clerk

DocuSigned by:  
  
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 Gleam Davis  
 Mayor