

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

APRIL 9, 2019

A regular meeting of the Santa Monica City Council was called to order by Mayor Davis at 5:30p.m., on Tuesday, April 9, 2019, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Gleam Davis
Mayor Pro Tem Terry O’Day (*arrived at 5:33 p.m.*)
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 5:30 p.m., with all members present except Mayor Pro Tem O’Day. City Manager Rick Cole led the assemblage in the Pledge of Allegiance.

AGENDA MANAGEMENT Staff requested that Item 7.D. be heard prior to 7.C.
Motion by Councilmember McKeown, seconded by Councilmember Morena, to approve hearing Item 7.D. before 7.C. The motion was approved by voice vote, with Mayor Pro Tem O’Day absent.

CLOSED SESSIONS Members of the public Francisco Juarez commented on public comment on closed sessions.

Mayor Pro Tem O’Day arrived at 5:33 p.m. Councilmember Jara recused herself from Closed Session for Item 1.A. to avoid the appearance of a conflict of interest, because she has a daughter who works in an as-needed capacity for the city.

Councilmember Jara excused at 5:38 p.m. On order of the Mayor, the City Council recessed at 5:37 p.m., to consider closed sessions and returned at 6:46 p.m., with all members present, to report the following:

1.A. 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 City Attorney advised this matter was not heard.

*Councilmember Jara
returned at 5:45 p.m.*

**1.B. Conference with Legal Counsel – Existing Litigation – Litigation
has been initiated formally pursuant to Government Code Section
54956.9(d)(1): Kirk Kelly v. Jacob Charles Duncan, City of Santa
Monica; Los Angeles Superior Court, Case No. BC 722657**

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): Quinonez Saldivar v. City of Santa Monica, , Los
Angeles Superior Court, Case No. BC 686141**

The City Attorney advised this matter is a pending litigation after Ms. Saldivar suffered injuries from a fall at the corner of 2nd Street and Arizona Avenue. The City denies and disputes the claims in the lawsuit, however following pre-trial litigation and mediation the City Attorney’s Office recommended a settlement in the amount of \$199,000

Motion by Councilmember McKeown, seconded by Councilmember Winterer, to approve Settlement No. 10833 (CCS). The motion was approved by the following vote:

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

1.D. Conference with real property negotiator (Govt. Code section 54956.8): Property: 4 parcels seaward of the 1921 Mean High Tide Line and adjacent to 850 Palisades Beach Road City negotiator: Karen Ginsberg and Judith Meister Negotiating parties: City and Jonathan Club Under negotiation: Lease price and terms

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

**SPECIAL AGENDA
ITEMS:**

2.A. Proclamation Declaring April 24, 2019 as Denim Day in the City of Santa Monica, was presented by the Mayor.

2.B. City Manager Report: Citywide Performance Dashboard, was presented.

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.

There were no members of the public present to speak on the Consent Calendar.

At the request of Councilmember Morena, Item 3.B. was removed from the Consent Calendar.

Motion by Councilmember Winterer, seconded by Councilmember Jara, to approve the Consent Calendar except for Item 3.B., 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

AIRPORT SECURITY

3.A. Third Modification to Design Agreement with Birdi & Associates, Inc. for Airport Security Enhancement Project, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a third modification to agreement #10373 (CCS) in the amount of \$50,000 with Birdi & Associates, Inc., a California-based company, for security enhancement project services for the Public Works Department. This will result in a one-year amended agreement with a new total amount not to exceed \$316,342, with future year funding contingent on Council budget approval.

PLAN REVIEW

3.C. Third Modification to Agreement with Avolve Software for ProjectDox system to electronically process, manage, and monitor building permit application submittals and plan reviews, was approved.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a third modification to Agreement No. 10279 (CCS), in the amount of \$42,570 with Avolve Software, an Arizona-based

corporation, for professional services related to additional ProjectDox workflow implementations. This will result in a five-year amended agreement with a new total amount not to exceed \$267,441 with future year funding contingent on Council budget approval.

PIER DECK

Councilmember Morena was excused at 7:03 p.m.

3.B. Second Modification to Professional Services Agreement with Jensen Hughes, Inc. for Pier Below Deck Fire Sprinkler Replacement Project, was presented.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #10442 (CCS) in the amount of \$151,470 with Jensen Hughes, Inc., a Maryland-based company, to provide construction administration services during construction of the Pier Below Deck Fire Sprinkler Replacement Project – Phase 1 for the Public Works Department. This will result in a four-year amended agreement with a new total amount not to exceed \$283,470, with future year funding contingent on Council budget approval.

Councilmember Morena recused himself from this item, due to a potential conflict of interest because his family owns a business on the Pier.

Motion by Councilmember Himmelrich, seconded by Councilmember McKeown, 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 Morena

ORDINANCES:

AFFORDABLE HOUSING

Councilmember Morena

returned at 7:04 p.m.

7.A. Second Reading and Adoption of Ordinance No. 2605 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 9.64 TO EXEMPT CERTAIN 100 PERCENT AFFORDABLE HOUSING PROJECTS OWNED AND OPERATED BY NONPROFIT HOUSING PROVIDERS THAT ARE SUBJECT TO CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE REGULATIONS AND TO REMOVE THE EXTREMELY-LOW INCOME AFFORDABLE HOUSING CATEGORY,” was presented.

Recommended Action

Staff recommends that City Council adopt the attached Ordinance.

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

reading thereof. The motion was approved by the following vote:

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

ZONING

7.B. Second Reading and Adoption of Ordinance No. 2606 (CCS) entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MAKING CHANGES, CORRECTIONS, AND CLARIFICATIONS TO THE CITY’S ZONING ORDINANCE AND ARTICLE 9 OF THE SANTA MONICA MUNICIPAL CODE; AMENDING THE TEXT OF THE CITY’S ZONING ORDINANCE AND SANTA MONICA MUNICIPAL CODE SECTION 6.14.040 RELATED TO FORTUNETELLING REGULATIONS; AMENDING THE TEXT OF SECTION 9.24.040 TO PROHIBIT CONVERSION OF A HOTEL OR MOTEL TO A CONDOMINIUM PROJECT; AND AMENDING THE OFFICIAL DISTRICTING MAP FOR 1411 CLOVERFIELD BOULEVARD”, 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 Jara, Winterer, McKeown, Himmelrich, Morena, Mayor Pro Tem O’Day, Mayor Davis
- NOES: None
- ABSENT: None

SIDEWALK VENDING

Councilmember Morena was excused at 7:29 p.m.

7.C. Comprehensive Sidewalk Vending Program and Emergency Ordinance, was presented.

Recommended Action

Staff recommends that the City Council adopt **emergency Ordinance No. 2607 (CCS) entitled, “AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 6.36 TO ADOPT A COMPREHENSIVE VENDING REGULATORY PROGRAM”**.

Councilmember Morena recused himself from this item, due to a potential conflict of interest because his family owns a business on the Pier.

Members of the public Matt Stauffer, Jim Harris, Denise Barton, Negin

Singh, Scherazad Falcon, Paul Garnica, Jerry Rubin, Max Fomin (time donated by Andre Kosinski), Richard Chacker, Joey Harris, Sofia Ramirez, Amarilys Ortiz, Pedro Antonio, Arturo Elias, Fernando Rayos, Deneb Dior, Abby Arnold, Ron Miller, and Walt Davis spoke on the recommended action.

Questions asked and answered of staff included: will this section apply to vendors who gross less than \$40K a year; what kind of follow-up is expected to Council on this new enforcement; is each individual cart going to be required to be permitted, or will they be captured under a corporate umbrella; how will the vending ordinance fit into special day events; is the administration creating definitions for what is stationary vending; will this ordinance be able to address food trucks; is this just restricted to south of the Esplanade; if you come back, would you be able to provide information to show how many of the Pico micro-grants are being used for vending licenses; is there any way the micro-grants can have local preference; would creating a special marketing district bypass the state law; will local vendors be required to use sustainable food service wares; and, is there any handouts or paperwork to provide vendors about the sustainable restrictions when they pull their permits.

Discussion ensued on the following topics, but not limited to: whether or not Ocean Front is considered a street or sidewalk; requiring different forms of identification for permitting; identify areas of concern with regard to public safety risk; administrative regulations can be established if later areas are determined to be safety risk; concept of special vending districts; the north side of the Esplanade is too narrow to allow vending, as well as the bike shop on the corner of 2nd and Colorado; and, does this ordinance eliminate the vending of items out of the back of vehicles.

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

Motion by Councilmember McKeown, seconded by Mayor Pro Tem O'Day, to give direction to staff to: explore the possibility of prohibiting or controlling the sale of any expanded polystyrene products (boogy boards and other styrafoam toys) for use in the ocean; for safety reasons, explore what might be possible within the constraints of both this law and the state vehicle code for some kind of control over the food trucks and their

vending along the westside of Ocean Avenue ; and look at how this is getting implemented, pay attention to what might transpire on North Ocean Front Walk and the North Esplanade. The motion was unanimously approved by voice vote, with Councilmember Morena absent.

PURCHASING SYSTEM

7.D. Introduction and First Reading of an Ordinance Amending Santa Monica Municipal Code Chapter 2.24, Purchasing System, was presented.

Recommended Action This report recommends that the City Council introduce for first reading an ordinance amending Santa Monica Municipal Code Chapter 2.24 to:

- 1) Increase the dollar threshold for informal purchasing procedures from \$10,000 to \$25,000;
- 2) Increase the threshold for formal purchasing procedures for goods, contractual services and public works projects from \$175,000 to \$250,000;
- 3) Increase the threshold for formal request for proposal procedures for professional services from \$80,000 to \$95,000; and
- 4) Revise Chapter 2.24 to reflect current purchasing practices and make other clarifications and corrections.

Member of the public Denise Barton spoke on the recommended action.

Questions asked and answered of staff included: does this program fall into the new ISD system that we have internally, so that all of the thresholds will be adjusted; with regards to local business preference, have other soft considerations (i.e. time doing business in Santa Monica, community benefits, local jobs, etc.) been considered to add to the ordinance; is price at the top of the way Request For Proposals are awarded; and, how would this promote transparency, equity, and community participation.

Discussion ensued on the following topics, but not limited to, concerns about transparency with the large threshold amount for contractual services and public works projects being so large and not going before the Council.

Motion by Councilmember Morena, seconded by Councilmember Winterer, to introduce at first reading 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: Councilmember Jara
- ABSENT: None

Motion by Councilmember Morena, seconded by Councilmember McKeown, to give direction to staff to look at 2.24.200 and consider the local preference, maybe some soft items in there that are not just price considered, such as time doing business in Santa Monica, are they providing local jobs in Santa Monica, community benefits in Santa Monica, sales tax and business license revenue that return to the city should be considered, pre-existing businesses, working in an exemplary manner, and is there a standard for exemplary.

There being no further discussion, the motion was unanimously approved by voice vote, with all members present.

STAFF
ADMINISTRATIVE
ITEMS:
AFFORDABLE HOUSING

*Councilmember Morena
returned at 9:29 p.m.*

8.A. Affordable Housing on City-Owned Land

Recommended Action

Staff recommends that the City Council:

1. Authorize issuance of a request for proposals for the development of affordable housing on City-owned property at 1318 Fourth Street, and
2. Authorize staff to continue to explore similar opportunities on other City-owned properties.

Members of the public Michael Soloff, Denise Barton, and Genise Schnitman, spoke generally on the recommended action.

Questions asked and answered of staff included: for 100 percent affordable housing project, what is the maximum height; is the RFP going to specify who the affordable housing is targeted for; is there anything from our last meeting that precludes us from financing extremely low income units in 100 percent affordable housing projects; any idea what the RFP will entail; any consideration to creating affordable senior congregate housing, which would save space; where is the current biggest need for affordable housing; is there a way to create the RFP to request as much creativity as possible; could live/work house be included as an option in the RFP; after the RFP is returned, how will the RFP be decided; and, since it is city owned land, can the city extend the 55 year deed restriction.

Discussion ensued on the following topics, but not limited to, first floor retail being available for a variety of small businesses; local preference not exclusive, but preferred; and, not making the language in the RFP so specific in defining the types of tenants

Motion by Councilmember Winterer, seconded by Councilmember McKeown, to adopt the staff recommendation, with the primary emphasis being on permanent supportive housing for those who are unhoused, and direction to staff that the applicant should look the other unmet housing

needs in the citywide portfolio of affordable housing, and that they should be encouraged to look at the potential for Artist live/work space on the ground floor, as well as retail that is affordable to small/locally owned businesses as an option, and that all other creative housing solutions currently in the marketplace be encouraged. The motion was approved by the following vote:

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

PUBLIC INPUT:


Members of the public Denise Barton and Dhun May commented on various local issues.

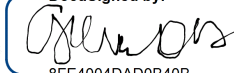
ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 10:09 p.m. in memory of Beth Leder-Pack and Blaze Pompane.

ATTEST:

APPROVED:

DocuSigned by:

E2F85B056A714C3...
Denise Anderson-Warren
City Clerk

DocuSigned by:

8FE4004DAD0B40B...
Glean Davis
Mayor