

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**JANUARY 28, 2020**

A regular meeting of the Santa Monica City Council was called to order by Mayor McKeown at 5:30 p.m., on Tuesday, January 28, 2020, at the Civic Center - East Wing, 1855 Main Street.

Roll Call: Present: Mayor Kevin McKeown  
Mayor Pro Tem Terry O’Day (*arrived at 5:55 p.m.*)  
Councilmember Gleam Davis  
Councilmember Sue Himmelrich  
Councilmember Ana M. Jara  
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. Councilmember Winterer led the assemblage in the Pledge of Allegiance.

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

*Mayor Pro Tem O’Day arrived at 5:55 p.m.* On order of the Mayor, the City Council recessed at 5:33 p.m., to consider closed sessions and returned at 6:30 p.m., with all members present, 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): Shu Chang v. City of Santa Monica, Los Angeles Superior Court, Case No. BC 702558.**

The City Attorney advised this matter was a sidewalk trip and fall accident. The City Attorney’s Office recommended settlement in the amount of \$150,000.

Motion by Councilmember Davis, seconded by Councilmember Winterer, to approve Settlement Agreement No. 10991 (CCS) in the amount of \$150,000.

*Mayor Pro Tem O'Day  
excused at 6:13 p.m.*

The motion was approved by the following vote:

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

**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, et al., Los Angeles Superior Court, Case No. BC722657.**

The City Attorney advised this matter was a motorcycle accident with and Santa Monica Police Officer who was driving his car. The City Attorney's Office recommended settlement in the amount of \$125,000.

Motion by Councilmember Davis, seconded by Councilmember Winterer,  
to approve Settlement Agreement No. 10992 (CCS) in the amount of  
\$125,000. The motion was approved by the following vote:

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

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

This item was removed at the request of staff.

*Mayor Pro Tem O'Day  
returned at 6:30 p.m.*

**SPECIAL AGENDA  
ITEMS:**

**2.A. City Manager's Report: Celebrating Black History Month,** was  
presented.

Member of the public Nat Trives spoke in support.

**2.B. Proclamation: Black History Month,** was presented by the  
Mayor.

**2.C. City Manager's Report: Fiscal Year 2018-2019 Annual Report,**  
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 comment on the Consent Calendar.

Councilmember Jara acknowledged that she received word that she does not have to recuse herself from Item 3.A., so she will be voting on this item this evening.

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

**PUBLIC  
HOUSEKEEPING  
TRAINING**

**3.A. Award Request for Proposal and enter into Agreement No. 10986 (CCS) with Santa Monica College’s Office of Workforce & Economic Development to provide Public Housekeeping Training,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award RFP# 101819 to Santa Monica College’s Office of Workforce & Economic Development to provide training to Santa Monica’s hotel housekeepers in accordance with Santa Monica Municipal Code Chapter 4.67;
2. Authorize the City Manager to negotiate and execute an agreement to certify and designate the Office of Workforce & Economic Development at Santa Monica College as the City’s Public Housekeeping Training Organization for a term of three years, with three additional one-year renewal options, at no cost to the City.

**WOODLAWN  
MORTUARY**

**3.B. Award Request for Proposal and enter into Agreement No. 10987 (CCS) with Carriage Transit Solutions, Inc. for Woodlawn Mortuary Transportation Services,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award RFP #226 to Carriage Transit Solutions, Inc., a California-based company, for Decedent Transportation Services for the Public Works Department;
2. Authorize the City Manager to negotiate and execute an agreement

with Carriage Transit Solutions, Inc., in the amount not to exceed \$25,000 for one year, with four additional one-year renewal options in the amount of \$25,000, on the same terms and conditions, for a total amount not to exceed \$125,000 over a five-year period, with future funding contingent on Council budget approval.

**SUSTAINABLE WATER  
INFRASTRUCTURE  
PROJECT**

**3.C. Award Request for Proposal and enter into Agreement No. 10988 (CCS) with Environmental Science Associates (ESA) for Paleontological, Archeological, and Cultural Resource Compliance Monitoring Services for the Sustainable Water Infrastructure Project,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award RFP #SP2456 to Environmental Science Associates (ESA), a California-based company, for paleontological, archaeological, and cultural resource compliance monitoring services for the Sustainable Water Infrastructure Project (SWIP) for the Public Works Department, and;
2. Authorize the City Manager to negotiate and execute an agreement with Environmental Science Associates (ESA) in an amount not to exceed \$205,360 for three years.

**PEST MANAGEMENT  
SERVICES**

**3.D. Award Bid and enter into Agreement No. 10989 (CCS) with West Coast Environmental Services for Integrated Pest Management Services,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Award Bid #4390 to West Coast Environmental Services, a California-based company, for structural integrated pest management services for properties owned, occupied, leased, or otherwise operated by the City of Santa Monica citywide;
2. Authorize the City Manager to negotiate and execute an agreement with West Coast Environmental Services, in an amount not to exceed \$100,000 for one year, with four-additional one-year renewal option(s) in the amount of \$100,000, on the same terms and conditions, for a total amount not to exceed \$500,000 over a five-year period, with future year funding contingent on Council budget approval.

**SHORT RANGE TRANSIT  
PLAN**

**3.E. Receive and File Short Range Transit Plan and Adoption of Resolution No. 11223 (CCS) entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO AUTHORIZE THE CITY MANAGER TO FILE THE FY 2019-20 THROUGH FY 2021-22 TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT**

ASSISTANCE CLAIM; TO SUBMIT GRANT APPLICATIONS AND TO NEGOTIATE AND EXECUTE GRANT AGREEMENTS AND OTHER TRANSIT AGREEMENTS IN FURTHERANCE OF THE SHORT RANGE TRANSIT PLAN FOR FY2019-20 THROUGH 2021-22”, was approved and adopted.

**Recommended Action**

Staff Recommends that the City Council:

1. Authorize the City Manager to file the Fiscal Year (FY) 2019-20 through FY 2021-22 Short Range Transit Plan (SRTP) with the Los Angeles County Metropolitan Transportation Authority (Metro).
2. Adopt the attached resolution authorizing the City Manager to: (a) apply for and execute grant agreements and execute related certifications and assurances with the Federal Transit Administration (FTA), Metro, or other federal, state, regional or local agencies; and, (b) enter into agreements for transit funds for the pass-through of funds and agreements for planning, programming, and implementing transit services and capital projects during FY 2019-20 through FY 2021-22.

**MINUTES**

**3.F. Minutes of City Council - Regular Meeting - January 14, 2020,** were approved.

**WEBSITE**

**3.G. Authorization to Award Contract No. 10990 (CCS) for a New City-Wide Website,** was approved.

**Recommended Action**

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute an agreement with Symsoft Solutions Corporation, a California-based company, for design and development of a new city-wide website. This award is made as an exception to the competitive bidding process pursuant to Section 2.24.250 (c) and in an amount not to exceed \$742,550 (including a 20% contingency), for a two-year term with one additional one year renewal option in the amount of \$180,000, on the same terms and conditions for a total amount not to exceed \$922,550 with the future year contingent on Council budget approval.

**ORDINANCES:**  
**ZONING**

**7.A. Ordinance No. 2628 (CCS) entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO AMEND THE TEXT OF SANTA MONICA MUNICIPAL CODE SECTION 9.07.030 TO CLARIFY PARCEL COVERAGE LIMITATIONS FOR EXISTING STRUCTURES WITH ADDITIONS IN THE R1 (SINGLE-UNIT RESIDENTIAL) DISTRICT”,** was presented.

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

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

**EV CHARGING**

**7.B. Second Reading and Adoption of Ordinance No. 2629 (CCS) entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ENACTING SANTA MONICA MUNICIPAL CODE SECTION 3.16.242 TO PROHIBIT NON-CHARGING VEHICLES FROM PARKING AT PUBLIC ELECTRIC VEHICLE CHARGING STATIONS AND AMENDING SANTA MONICA MUNICIPAL CODE SECTIONS 3.04.035 AND 3.16.170 TO PERMIT THE ESTABLISHMENT OF OVERSTAY CHAGES FOR PARKING SPACES DESIGNATED FOR USE OF PUBLIC ELECTRIC VEHICLE CHARGING STATIONS”,** was presented.

**Recommended Action**

Staff recommends that City Council adopt the attached Ordinance.

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

**7.C. Introduction and First Reading of an Ordinance Extending the First Shared Mobility Device Pilot Program and Creating a Second Pilot Program,** was presented.

**Recommended Action**

Staff recommends that the City Council:

- Introduce for first reading the proposed ordinance, amending Section 3.21.090 of the Santa Monica Municipal Code to extend the term of the first Shared Mobility Device Pilot Program from May 17, 2020 to June 30, 2020, and enacting new Chapter 3.22 of the Santa Monica Municipal Code to create the second

Shared Mobility Pilot Program extending until December 31, 2021.

Members of the public Frank Reig, Jerry Rubin, Todd Maron (time donated by Kim Pluth), Tim Harter (time donated by Chloe Lynn), Jason Islas, Morgan Roth, Andrew Hoyer, and, Karla Owunwanne (time donated by Rachel Wasser) spoke to the recommended action.

Questions asked and answered of staff included: is it the Planning Director who makes the final decision on operators or how does the selection process work; at what point does the public get involved in the selection process; why the emphasis on swappable batteries; when you decided to emphasize swappable batteries did you talk to the components in the community who make money off charging or recycling batteries; is local preference included in the criteria; what are the criteria's ability to integrate with Big Blue Bus information; what is the thought to include absolute limits; are we going to have real-time data in this next pilot; what analytics do we have behind that data; how do we allocate fees if we have fluctuating numbers throughout the seasons; are the fees based on the peak time of year; when is the green lane paid for; shouldn't language adjust in the ordinance to give priority to companies who don't encourage connecting with their car services; what is the reasoning behind providing a priority to companies that have the lock-to capabilities; what happens if we award contracts to operators who decide to deploy a lower number than they are permitted; control over pricing, is that to achieve any surge in pricing or spike in pricing; are we doing anything about the identity of scooters and which company they belong to; is there any thought about integrating all of the modes of transportation to be available on one app; is there any way to make sure devices are evenly distributed around town; how do we see the balancing of mobilities going forward; are there devices in the market that have kickstands to make it more difficult to knock down; have any of our current operators pulled out of other markets; is the Capital Improvement Plan (CIP) reimbursement still around \$400,000; what's the next CIP plan for micro-mobility; what is our burden of cost for micro-mobility, including staff; does the city ever elaborate on marketing with the vendors; what are some of the innovations that the companies are working on; would a company like Rebel, who has a different business model including a moped, require a special permit or licensing; what is the Breeze cost to operate; would staff envision having a consolidated transportation app; has there been any thought of expanding the Breeze bike program to include other electric bike companies; if Breeze closes in November and those vehicles come off the market, how will that impact the number of micro-mobility devices available; and, would a moped company be considered as one of the two or three operators being selected.

Motion by Mayor Pro Tem O'Day, seconded by Councilmember Winterer, to approve the staff recommendation with the following changes: removing

the swappable battery and lock-to requirements; extend the per-vehicle public right of way fee until the CIP is repaid; add a local preference for the selection process, that's based on the number of employees in Santa Monica; align the program with the real-time data agency as a goal; and, exclude mopeds from this program, and that they should be regulated under carshare regulations.

Councilmember Winterer, proposed a friendly amendment to propose instead of swapping out batteries, ask to use the most sustainable process for charging, and instead of using lock-to, say any tools that will get the vehicles out of the public right-of-way safely parked; and, add a requirement to be connected to mass transit through the apps. The motion was considered friendly by the maker.

Councilmember Winterer, proposed a friendly amendment to add language to give preference to systems that do not connect to automobile options. The motion was not considered friendly by the maker.

Councilmember Winterer, made a few more friendly amendments to include that there should be some public component to the request for proposal (RFP) process. This was considered friendly to the maker.

Councilmember Winterer, proposed additional friendly amendments to include: add using the MDS until the agency API is ready; once the \$2 million that has been deployed for the green bike lanes is paid up by the public right-of-way fee, impose a more modest public right-of-way fee in order to have some revenue fund. This motion was not considered friendly to the maker.

Councilmember Davis, proposed a friendly amendment to include in the criteria about whether or not the respondents are operators in neighboring cities. The motion was considered friendly by the maker and seconder.

Councilmember Davis, proposed a friendly amendment to include, in the RFP the question of whether or not the operators have ever reduced their fleet or pulled out of other jurisdictions. The motion was considered friendly by the maker and seconder.

Councilmember Davis, proposed a friendly amendment to include in the criteria, a preference from companies who won't cross-promote to increase their car share business. The motion was considered friendly by the maker and seconder.

Councilmember Himmelrich, proposed a friendly amendment to include a preference to companies that are willing to make their API and data available to app developers to create a universal app that provides all



modes of transportation. The motion was considered friendly by the maker and seconder.

The Mayor restated the motion with amendments.

Motion by Mayor Pro Tem O’Day, seconded by Councilmember Winterer, to introduce for first reading the ordinance, with amendments. The motion was approved by the following vote:

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

NOES: None

ABSENT: None

**PUBLIC HEARINGS:**  
**WASTEWATER RATES**

**9.A. Public Hearing and Adoption of Resolution No. 11224 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA, CALIFORNIA, REVISING WASTEWATER RATES AND WASTEWATER SERVICES CHARGES”,** was presented.

**Recommended Action**

Staff recommends that the City Council:

1. Hold a public hearing.
2. Receive public comment pursuant to Proposition 218 requirements.
3. Consider all protests against the proposed wastewater rate increases that have been submitted in accordance with Proposition 218.
4. Adopt the attached resolution establishing a five-year schedule of wastewater rate adjustments to go into effect on March 1, 2020 for the first year. Subsequent increases for calendar years 2021 through 2024 will go into effect January 1 for each calendar year.

Members of the public Linda Lancaster (time donated by Stephen Lancaster), Denise Barton, Zina Josephs, and Judy Abdo spoke to the recommended action.

Questions asked and answered of staff included: if a person is conserving, is it true that they will still get hit with that same 15% increase; do their rates fluctuate; is SWIP part of wastewater; are the capital cost financed through rates; and, has there been any consideration to include a rate for greywater.

Motion by Mayor Pro Tem O’Day, seconded by Councilmember Morena, to adopt the staff recommendation.

The City Clerk confirmed that the amount of protest letters received totaled approximately 695, which is significantly below the required amount of 11,767 in order to consider the protest under Prop. 218. Therefore, the

Council approved the motion to adopt Resolution No. 11224 (CCS) by the following vote:

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

NOES: None

ABSENT: None

## WATER RATES

**9.B. Public Hearing and Adoption of Resolution No. 11225 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA, CALIFORNIA, REVISING WATER RATES AND WATER SERVICES CHARGES”**, was presented.

### **Recommended Action**

Staff recommends that the City Council:

1. Hold a public hearing.
2. Receive public comment pursuant to Proposition 218 requirements.
3. Consider all protests against the proposed water rate increases that have been submitted in accordance with Proposition 218.
4. Adopt the attached resolution establishing a five-year schedule of water rate adjustments to go into effect March 1, 2020 for the first year. Subsequent increases for calendar years 2021 through 2024 will go into effect January 1 for each calendar year.

Members of the public Linda Lancaster, Denise Barton, Zina Josephs, Judy Abdo, and Jon Wang spoke generally in favor of the recommended action.

Questions asked and answered of staff included: how much is the cost for Metropolitan Water district water versus what we’re charging; are we really getting more water from MWD than was estimated; are we keeping our relationship open with MWD even once we become self-sufficient; the loan that is taken out for SWIP, does it cover that entire project; are the rate payers paying now for the 30 year loans on the water sufficiency projects; if we’re trying to make it so that everybody is paying the same, why is the residential tier rates much higher than commercial; and, isn’t this a climate change to not have to continue on others to supply us.

Motion by Mayor Pro Tem O’Day, seconded by Councilmember Morena, to adopt the staff recommendation.

The City Clerk confirmed that the amount of protest letters received totaled approximately 714, which is significantly below the required amount of 11,767 in order to consider the protest under Prop. 218. Therefore, the Council approved the motion to adopt Resolution No. 11225 (CCS) by the following vote:

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

**COUNCILMEMBER  
DISCUSSION ITEMS:  
GOVERNMENT  
ALLIANCE ON RACE  
AND EQUITY**

**13.A. Request of Mayor McKeown and Councilmember Jara that the Council allocate up to \$5,000 of Council discretionary funds as a matching grant to a committee of interdepartmental staff comprising the Santa Monica cohort of the Government Alliance on Race and Equity (GARE), to support programs and activities planned for the City’s commemoration of Black History Month, was presented.**

There were no members of the public present to speak on this item.

Motion by Councilmember Jara, seconded by Councilmember Winterer, to adopt the recommendation. The motion was approved by the following vote:

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

**LIBRARY BOARD**

**13.B. Appointment to one unscheduled vacancy on the Santa Monica Library Board for a term ending on 6/30/2021, was presented.**

There were no members of the public present to speak on this item.

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

Councilmember Davis, nominated John Hart.  
Mayor McKeown, nominated Philip Tate.

John Hart was appointed by the following vote:

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

Mayor McKeown changed his vote to John Hart, thereby appointing John Hart by acclamation to the Library Board for a term ending June 30, 2021, with all members present.

**SANTA MONICA PIER  
CORPORATION**

**13.C. Appointment to one unscheduled vacancy on the Santa Monica Pier Corporation for a term ending on 12/31/2021, was presented.**

*Councilmember Morena excused at 11:48 p.m.*

Councilmember Morena recused himself from this item to avoid a possible conflict of interest because his family owns a restaurant on the Pier.

There were no members of the public present to speak on this item.

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

Councilmember Himmelrich, nominated Derek Devermont.

Councilmember Davis, nominated Kristin McCowan.

Mayor McKeown, nominated Nicholas Rolston.

Kristin McCowan was appointed by the following vote:

Devermont: Councilmembers Himmelrich, Winterer

McCowan: Councilmembers Davis, Jara, Mayor Pro Tem O’Day

Rolston: Mayor McKeown

Councilmembers Himmelrich, Winterer, and Mayor McKeown changed their votes to McCowan, thereby appointing Kristin McCowan by acclamation to the Santa Monica Pier Corporation for a term ending 12/31/2021, with all members present, except Councilmember Morena.

**PREFERENTIAL PARKING**

*Councilmember Morena returned at 11:49 p.m.*

**13.D. Request of Mayor McKeown that Council place on its agenda on a date to be publicly noticed and on that date reconsider item 11-A from the Council agenda of July 23, 2019 – a proposed resolution to amend Preferential Parking Zone F to include the area generally bounded by Highland Avenue, Ocean Park Boulevard, 11th Street, Glenn Avenue, and the south City limit; as a condition precedent to reconsideration of this item, the Council would be required to, at the meeting for which the item appears on the agenda, vote, by a vote of two-thirds of the Council members then present, to suspend Council Rule 12(g), which requires that a motion to reconsider a legislative action be brought by a Council member on the prevailing side, was presented.**

*Councilmember Winterer excused at 11:50 p.m.*

Councilmember Winterer recused himself because he lives in the preferential parking zone that is being discussed.

Questions asked and answered of staff included, if a different staff member brought this up, how many votes would be needed.

Member of the public Judy Abdo, spoke in opposition of the recommended action.

Motion by Mayor McKeown, seconded by Councilmember Himmelrich, to approve the recommendation. The motion was approved by voice vote with

Councilmember Morena and Mayor Pro Tem O'Day opposing, with Councilmember Winterer, absent.

**PUBLIC INPUT:**


*Councilmember Winterer returned at 11:59 p.m.*

Member of the public Denise Barton commented on various local issues.

**ADJOURNMENT**

On order of the Mayor, the City Council meeting adjourned at 12:01 a.m.

ATTEST:

DocuSigned by:  
  
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Denise Anderson-Warren  
City Clerk

APPROVED:

DocuSigned by:  
  
7659E459FDE6415...  
Kevin McKeown  
Mayor