

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

DECEMBER 14, 2021

A regular meeting of the Santa Monica City Council was called to order by Mayor Himmelrich at 5:33 p.m., on Tuesday, December 14, 2021, via teleconference pursuant to Assembly Bill No. 361 signed by, Governor Gavin Newsome at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Sue Himmelrich
Mayor Pro Tem Kristin McCowan
Councilmember Phil Brock
Councilmember Glean Davis
Councilmember Oscar de la Torre (*arrived at 5:45 p.m.*)
Councilmember Christine Parra

Absent: Councilmember Lana Negrete

Also Present: City Manager David White
Interim City Attorney Joseph Lawrence
City Clerk Denise Anderson-Warren

CONVENE/PLEDGE On order of the Mayor, the City Council convened at 5:33 p.m., with all members present except Councilmembers Negrete and de la Torre. Mayor Pro Tem McCowan led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS Member of the public Denise Barton commented on closed session items.

Councilmember de la Torre arrived at 5:45 p.m. On order of the Mayor, the City Council recessed at 5:37 p.m., to consider closed sessions and returned at 6:35 p.m., with all members present except Councilmember Negrete, to report the following:

1.A. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Gov. Code Section 54956.9(d)(1): Santa Monica Bayside Owners Association v. City of Santa Monica, California Coastal Commission, Los Angeles Superior Court, Case No. 21SMCP00269

The Interim 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 Gov. Code Section 54956.9(d)(1): EJA Associates, L.P. v. City of Santa Monica and Downtown Santa Monica, Inc. Los Angeles Superior Court, Case No. 20SMCV01103 and EJA Associates, L.P. v. City of Santa Monica and Downtown Santa Monica, Inc. Los Angeles Superior Court, Case No. 20SMCV01550

The Interim 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 Gov. Code Section 54956.9(d)(1): City of Arcadia et al. v. Southern California Edison Company, Santa Barbara Superior Court, Case No. 20CV02026

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

1.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Gov. Code Section 54956.9(d)(1): Yazhari v City of Santa Monica, Los Angeles Superior Court, Case No: 20STCV26250

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

SPECIAL AGENDA ITEMS:

2.A. City Manager's Report, was presented.

REPORT ON COUNCIL TRAVEL

Councilmember Brock reported that he attended the League of CA cities Christmas event in downtown Los Angeles at the California Club on December 10th.

REPORT ON MEETING COMPENSATION

Pursuant to State law, City Clerk Denise Anderson-Warren announced that Council will receive no compensation for meeting as the Redevelopment Successor Agency.

CONSENT CALENDAR:

There being a Consent Calendar for Council and the Redevelopment Successor Agency, the Mayor, with the consensus of the Councilmembers, convened to a joint meeting at 6:38p.m., and the two Consent Calendars were heard concurrently, with all Agency/Councilmembers present except Agency/Councilmember Negrete.

All items were considered and approved in one motion unless removed by an Agency/Councilmember for discussion.

Member of the public Stan Epstein commented on various Consent Calendar items.

At the request of staff, Item 3.F was removed from the Consent Calendar.

At the request of Agency/Councilmember Davis, Item 3.M was removed from the Consent Calendar.

At the request of Agency/Councilmember Brock, Items 3.D and 3.J were removed from the Consent Calendar.

Motion by Agency/Councilmember Brock, seconded by Agency/Councilmember Davis, to approve the Consent Calendar except for Items 3.F, 3.M, 3.D and 3.J, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES: Agency/Councilmembers Parra, Davis, Brock, de la Torre, Chair/Mayor Pro Tem McCowan, Chair/Mayor Himmelrich
- NOES: None
- ABSENT: Agency/Councilmember Negrete

COMMUNICATION SYSTEMS

3.A. Approval of Fourth Modification to Saddle Peak Antenna Site Lease Agreement to Support City Radio and Data Communication Systems with its Buses, was approved.

Recommended Action

Staff recommends that City Council authorize the City Manager to negotiate and execute a fourth modification to agreement #8377 in the amount of \$330,813 with American Tower Corporation, a Delaware-based company, for an antenna site lease. This would result in a five-year amended agreement with a new total contract amount not to exceed \$1,129,641, with future year funding contingent on Council budget approval.

TELECONFERENCE MEETINGS

3.B. Adoption of Resolution No. 11390 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MAKING FINDINGS AS REQUIRED BY AB 361 TO PERMIT COUNCIL AND CITY BOARD, COMMISSION, AND TASK FORCE MEETINGS TO CONTINUE TO BE CONDUCTED BY TELECONFERENCE WHILE THE COVID-19 EMERGENCY REMAINS IN PLACE”, was adopted.

Recommended Action

Staff recommends that Council adopt a resolution making the findings required by AB 361 to continue teleconference meetings of the City

Council and City Boards, Commissions, and Task Forces after December 23, 2021 and through January 13, 2022.

**ALCOHOLIC BEVERAGE
CONTROL GRANT**

3.C. Authorization to accept Grant from the California Department of Alcoholic Beverage Control (ABC), was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to accept a grant awarded in the amount of \$20,000 from the California Department of Alcoholic Beverage Control (ABC) for the 2021-22 ABC-OTS Grant Program.
2. Authorize the City Manager to execute all necessary documents to accept the grant and all grant renewals.
3. Authorize budget changes as outlined in the Financial Impacts and Budget Actions section of this report.

2501 2ND STREET

3.E. Adoption of Resolution No. 11391 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL PARCEL MAP FOR TRACT NO. 78204 TO SUBDIVIDE A PROPERTY AT 2501 SECOND STREET”, was adopted.

Recommended Action

Staff recommends that the City Council adopt the attached resolution accepting and approving Final Parcel Map No.78204 for a 3-unit condominium project located at 2501 Second Street.

**EMPLOYEE SUPPORT
SERVICES**

3.G. Approval of Modification of Agreement No. 11048 (CCS) with BetterUp for Employee Support Services, was approved.

Recommended Action

Staff recommends that the City Council approve the second modification to the BetterUp Enterprise Agreement and authorize the City Manager to negotiate and execute an agreement with BetterUp Inc. for a four-month pilot program to provide employee support services in the amount not to exceed \$40,000 for a total amount not to exceed \$292,500. The term of the agreement does not change and expires June 30, 2022. This recommended award is made as an exception to the competitive bidding process pursuant to Section 2.24.250 (a) with future year funding contingent on Council budget approval.

LOW-MOD HOUSING

3.H. Annual Report on Low-Mod Housing Income Asset Fund, was approved.

Recommended Action

Staff recommends that the Redevelopment Successor Agency:

1. Receive the Annual Report on the Low- and Moderate-Income Housing Asset Fund for Fiscal Year 2020-21 and authorize the City Manager to post the report on the City's website by December 31, 2021; and
2. Direct the City Manager to present the independent audit of the Low- and Moderate-Income Housing Asset Fund to the Council upon completion of the independent audit of the City's Annual Comprehensive Financial Report (ACFR) and authorize the City Manager to post the results of the audit on the City's website after presentation to City Council.

**RECOGNIZED
OBLIGATION PAYMENT
SCHEDULE**

3.I. Approval of Annual Recognized Obligation Payment Schedule (ROPS), was adopted.

Recommended Action

Staff recommends that the Redevelopment Successor Agency adopt Resolution Nos. 39 (SA) and 40 (SA) approving the Agency's recognized obligation payment schedule and administrative budget for July 1, 2022 through June 30, 2023.

**SANTA MONICA
TRAVEL & TOURISM**

3.K. Authorization of Memorandum of Understanding No. 11229 (CCS) and Agreement No. 11230 (CCS) with Santa Monica Travel & Tourism for Voluntary Tourism Services District, was approved.

Recommended Action

Authorize the City Manager to negotiate and execute a Memorandum of Understanding and License Agreement with Santa Monica Travel and Tourism for purposes of creating a voluntary tourism services district to support enhanced clean and safe services along Ocean Front Walk and the adjoining public right of way.

**OUTDOOR DINING FEE
WAIVER**

3.L. Adoption of Fee Resolution No. 11392 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA WAIVING CERTAIN FEES ON A TEMPORARY BASIS TO FURTHER STIMULATE ECONOMIC RECOVERY", was adopted.

Recommended Action

Staff recommends that the City Council adopt a Fee Resolution to authorize the extension of fee waivers until June 30, 2022 for outdoor dining permits and monthly outdoor dining license fees, and the Santa Monica Outdoors Temporary Use program pursuant to Santa Monica Municipal Code Chapter 6.40.

SEISMIC STRUCTURAL ANALYSIS

3.D. Approval of Second Modification Extending Term of Professional Services Agreement with Degenkolb Engineers for Seismic Structural Analysis and Plan Review Services, was presented.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #10635 (CCS) with Degenkolb Engineers for seismic structural analysis review and seismic plan review services for the Community Development Department. This modification will extend the term by one year and will result in a five-year amended agreement.

Councilmember Brock requested that this item postponed to the January 11, 2022 City Council meeting, and have the existing contract attached.

Mayor Himmelrich made a friendly amendment to move Item 3.J with Item 3.D.

The amendment was friendly to the maker.

Motion by Councilmember Brock, seconded by Councilmember de la Torre, to approve the recommendation. The motion was approved by the following vote:

- AYES: Councilmembers de la Torre, Brock, Davis, Parra
Mayor Pro Tem McCowan, Mayor Himmelrich
- NOES: None
- ABSENT: Councilmember Negrete

SEISMIC STRUCTURAL ANALYSIS

3.J. Approval of Second Modification of Term Extension for Professional Services Agreement with IDS Group for Seismic Structural Analysis and Plan Review Services, was presented.

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #10636 (CCS) with IDS Group, Inc. for seismic structural analysis review and seismic plan review services for the Community Development Department. This modification will extend the term by one year and will result in a five-year amended agreement.

Councilmember Brock requested that this item postponed to the January 11, 2022 City Council meeting, and have the existing contract attached.

Motion by Councilmember Brock, seconded by Councilmember de la Torre, to approve the recommendation.

The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Brock, Davis, Parra
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

PARKING FACILITIES

3.F. Approval of Fourth Amendment to Parking Lease Agreement No. 10740 (CCS) with Macerich for Lease, Operations and Maintenance of Parking Facilities, was presented.

Recommended Action

Staff recommends that the Council authorize the City Manager to enter into a Fourth Amendment to Agreement for the Lease, Operations and Maintenance of Parking Facilities with Macerich SMP LP in order to:

1. Approve the installation and designation of four (4) new electrical vehicle charging stations with dedicated parking at Parking Structure 7 on Level 5; and
- ~~2. Authorize Macerich to negotiate and enter into a license agreement, subject to City approval, to permit a new pre-payment parking program at Parking Structures 7 and 8.~~

Staff pulled the report to ask Council to approve only the first recommendation and to pull the second recommendation from consideration at this time.

Motion by Mayor Himmelrich, seconded by Councilmember Davis, to approve the installation and designation of four (4) new electrical vehicle charging stations with dedicated parking at Parking Structure 7 on Level 5.

The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Brock, Davis, Parra,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

849 OCEAN AVENUE

3.M. Approval of Statement of Official Action for 849 Ocean Avenue Denying CUP Applications for Oceana Hotel, was presented.

Recommended Action

Staff recommends that City Council approve the attached Statement of Official Action denying the Appeals of the Planning Commission’s denial of Conditional Use Permit Applications 20ENT-0237 and 21ENT-0090 to allow the Oceana Hotel’s existing restaurant to provide meal and

alcohol service to the general public.
Councilmember Davis pulled this item to abstain from voting because she was not being present for the initial hearing.

Motion by Mayor Himmelrich, seconded by Councilmember de la Torre, to approve the recommendation. The motion was approved by the following vote:

- AYES: Councilmembers Parra, Brock, de la Torre,
Mayor Pro Tem McCowan, Mayor Himmelrich
- NOES: None
- ABSTAIN: Councilmember Davis
- ABSENT: Councilmember Negrete

**ADJOURNMENT OF
SPECIAL MEETING**

On order of the Chair/Mayor, the special joint meeting with the Redevelopment Successor Agency was recessed at 6:51 p.m., and the regular meeting of the City Council was reconvened, with all members present except Councilmember Negrete.

**ORDINANCES:
PUBLIC SAFETY
REFORM AND
OVERSIGHT
COMMISSION**

7.A. Approval of Revisions to the Public Safety Reform and Oversight Commission Ordinance, was presented.

Recommended Action

Staff recommends that the City Council introduce for first reading the attached ordinance to amend Santa Monica Municipal Code Chapter 2.50 to make revisions and clarifications to the composition, scope of powers and duties, and reporting processes of the Public Safety Reform and Oversight Commission and its Inspector General.

Member of the public Ericka Leslie and another unknown member of the public spoke to the recommended action.

Questions asked and answered of staff included: is it true that the city has to meet and confer with the union on these types of matters; is it appropriate to require an annual report that is broken down by race, ethnicity and diversity, and how does the Council ask for this information; and, why was the \$5,000 settlement necessary as part of this agreement.

Motion by Councilmember Davis, seconded by Mayor 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 de la Torre, Brock, Davis, Parra
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None
ABSENT: Councilmember Negrete

STAFF
ADMINISTRATIVE
ITEMS:
1318 FOURTH STREET

8.A. Adoption of CEQA Findings and Authorization to enter into Agreement with EAH, Inc. for the 1318 Fourth Street Affordable Housing Development, was pulled at the request of staff.

Recommended Action

Authorize the City Manager to negotiate and execute an Exclusive Negotiating Agreement with EAH, Inc. for a mixed-use, affordable housing development on the City-owned site located at 1318-20 Fourth Street and adopt the CEQA Findings in this Staff Report under “Environmental Status”.

BOARDS AND COMMISSIONS

8.B. Discussion and Approval of Recommendations from the Boards and Commission Ad Hoc Committee and other Related Policies, was presented.

Recommended Action

Staff recommends that the City Council:

- 1) Review and discuss recommendations from the Boards and Commission Ad Hoc committee, including consolidation, term limits for members and for Chairs and Vice Chairs, appointment methodology, changing requirements for specific qualifications; clarify serving on more than one board at a time; clarify expectations and additional training for Chairs, and making changes effective January 1, 2022;
- 2) Direct staff to return to Council with a resolution incorporating the recommended procedural changes previously approved by Council including: Council liaisons would be limited to serve on a maximum of two commissions a year, with quasi-judicial bodies exempt; changes to the Chair and Vice Chair rotation by election; reduce the Urban Forest Task Force from nine to seven members, reduce the Arts Commission from eleven to nine members, and any procedural changes approved at this meeting;
- 3) Direct staff to come back with an updated Civility Policy for both members of the public, as well as members of the bodies;
- 4) Direct staff to return with information for a ballot measure to move the Charter boards and commissions to the Santa Monica Municipal code; and,
- 5) Approve a policy permitting boards and commissions to meet quarterly for the first quarter of 2022 or until the end of fiscal year 2022, and direct staff to come back with options for returning to in-person meetings.

Members of the public Denise Barton, Alex Elliot and Jonathan Foster

spoke to the recommended action.

Questions asked and answered of staff included: why did the ad hoc committee decide to merge the Disability Commissions with other Commissions; does the West Valley Water District also provide a stipend to board members; is our MWD a part of West Valley Water District; what is the proposed, updated civility policy; was the current civility policy reviewed and deemed inadequate; and, what are the advantages and disadvantages of moving the Charter boards and commissions to the Santa Monica Municipal Code.

Considerable discussion ensued on topics including, but not limited to, keeping the Disabilities commission as its own commission, and maybe incorporate mental health under this commission.

Motion by Councilmember Brock, seconded by Councilmember Parra, to approve the recommendations from the Boards and Commission Ad Hoc committee, including:

- a. Consolidation of the Social Services Commission, the Commission on the Status of Women, and the Commission on the Senior Community into one newly named Commission; and leaving the Disabilities Commission as a standalone.

The motion was approved by the following vote:

AYES: Councilmembers Parra, Davis, Brock, de la Torre,
Mayor Pro Tem McCowan, Mayor Himmelrich
NOES: None
ABSENT: Councilmember Negrete

Motion by Councilmember Davis, seconded by Mayor Himmelrich, to have staff return to Council with better and less costly options to support Boards and Commissions that includes non-specialized, centralized staff to do the administrative work associated with the commissions. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Brock, Davis, Parra,
Mayor Pro Tem McCowan, Mayor Himmelrich
NOES: None
ABSENT: Councilmember Negrete

Motion by Mayor Pro Tem McCowan, seconded by Councilmember Davis, to direct staff to return to Council with a resolution incorporating the recommended procedural changes previously approved by Council including: Council liaisons would be limited to serve on a maximum of two commissions a year, with quasi-judicial bodies exempt;

changes to the Chair and Vice Chair rotation by election; reduce the Urban Forest Task Force from nine to seven members, reduce the Arts Commission from 11 to nine members, and any procedural changes approved at this meeting, and, approve a policy permitting boards and commissions to meet quarterly until the end of fiscal year 2022, and direct staff to come back with options for returning to in-person meetings. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Brock, Davis, Parra,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

Motion by Mayor Pro Tem McCowan, seconded by Councilmember Brock, to direct staff to come back with an updated Civility Policy for both members of the public, as well as members of the bodies and clarifying expectations on civility and create additional training for Chairs and Vice Chairs. The motion was approved by the following vote:

AYES: Councilmembers Parra, Davis, Brock, de la Torre,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

Motion by Councilmember Brock, seconded by Councilmember Davis, to direct staff to return with information for a ballot measure to move the Charter boards and commissions to the Santa Monica Municipal Code. The motion was approved by the following vote:

AYES: Councilmembers de la Torre, Brock, Davis, Parra,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

Motion by Mayor Pro Tem McCowan, seconded by Councilmember Davis, to not change the appointment methodology, requirements and/or specific qualifications for applicants and clarify that the limitations of serving on more than one board at a time does not apply to advisory committees. The motion was approved by the following vote:

AYES: Councilmembers Parra, Davis, Brock, de la Torre,
Mayor Pro Tem McCowan, Mayor Himmelrich

NOES: None

ABSENT: Councilmember Negrete

Motion by Councilmember Brock, seconded by Mayor Pro Tem

McCowan to establish term limits for members of the following boards/commissions/regional boards: Clean Beaches and Ocean Parcel Committee members shall be appointed for 4-year seats for two consecutive terms, with request for a third term with a supermajority vote from Council; West Vector and MWD are limited to serving two consecutive terms. However, a third consecutive term may be served if the member makes a written request to serve a third term, or a Councilmember nominates a member to a third term, and the City Council approves the third term by a two-thirds vote. The current members shall serve the remainder of their term but shall be ineligible to serve any subsequent term.

The motion was approved by the following vote:

- AYES: Councilmembers de la Torre, Brock, Davis, Parra
Mayor Pro Tem McCowan, Mayor Himmelrich
- NOES: None
- ABSENT: Councilmember Negrete

COUNCILMEMBER
DISCUSSION ITEMS:
HOMELESS
ASSISTANCE

13.A. Request of Councilmembers Brock, Parra and de La Torre that the City Manager, as a matter of urgency, make available to the full Council, Santa Monica residents and the public, the following information regarding homelessness assistance in the city: contact information for members of the community who may encounter an individual or individuals experiencing homelessness and in need of assistance for shelter or psychiatric/mental health crisis. This information should include details gathered in response to inquiries from the Council Ad Hoc Commission on Homelessness; should include local and regional street-based outreach teams and their contact information; should include a Map of street-based outreach teams' coverage and hours of operation in the city; should include a Map and Public Directory of all available public restrooms and hours of operation; should include existing shelters and hygiene services for people experiencing homelessness or in medical or mental health crisis; should include all existing funding sources for such services; and should include suggested opportunities to add new resources to the system of care, including but not limited to identifying city-owned land and sites that could provide additional temporary shelter capacity, was presented.

Members of the public Denise Barton, Jonathan Foster and Shannon Yoshikawa spoke on the recommended action.

Motion by Councilmember de la Torre, seconded by Councilmember Brock, to approve the recommendation, with direction staff to add how we assess best practices on data gathering and reporting to monitor and

improve service delivery and program effectiveness. The motion was approved by the following vote:

AYES: Councilmembers Parra, Davis, Brock, de la Torre,
Mayor Pro Tem McCowan, Mayor Himmelrich
NOES: None
ABSENT: Councilmember Negrete

PUBLIC INPUT:

Members of the public David Morris, Teresa Marasco, Michael, Olga Zurawaska, Michelle Grey and Jonathan Foster commented on various local issues.

ADJOURNMENT

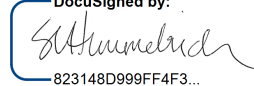
On order of the Mayor, the City Council meeting adjourned at 9:59 p.m.

ATTEST:

DocuSigned by:

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Denise Anderson-Warren
City Clerk

APPROVED:

DocuSigned by:

823148D999FF4F3...
Sue Himmelrich
Mayor