

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**FEBRUARY 10, 2015**

A regular meeting of the Santa Monica City Council was called to order by Mayor McKeown at 5:31 p.m., on Tuesday, February 10, 2015, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Kevin McKeown  
Mayor Pro Tem Tony Vazquez  
Councilmember Gleam Davis  
Councilmember Sue Himmelrich  
Councilmember Terry O'Day  
Councilmember Ted Winterer

Absent: Councilmember Pam O'Connor

Also Present: Interim City Manager Elaine Polachek  
City Attorney Marsha Jones Moutrie  
City Clerk Sarah P. Gorman

**CONVENE/PLEDGE**

On order of the Mayor, the City Council convened at 5:31 p.m., with Councilmember O'Connor absent. Interim City Manager Elaine Polachek led the assemblage in the Pledge of Allegiance.

**CONTINUATION OF  
BUFFER PARK ITEM**

Motion by Councilmember Himmelrich, seconded by Councilmember Winterer, to continue Item 8-C, regarding naming of the Buffer Park, to an undetermined future meeting, at the recommendation of staff. The motion was approved by a unanimous voice vote, with all members present excepting Councilmember O'Connor.

**CLOSED SESSIONS**

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

On order of the Mayor, the City Council recessed at 5:35 p.m., to consider closed sessions and returned at 6:45 p.m., with Councilmember O'Connor absent, to report the following:

Mayor McKeown announced that Council had directed before recessing for closed session that Item 8-C had been continued to an undetermined future meeting.

**1-A: Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code**

**Section 54956.9 (d)(1): Torres v. City of Santa Monica, et al., Los Angeles Superior Court Case Number SC 121 279**

The City Attorney advised this matter related to a personnel matter with sexual harassment allegations, and outside counsel was retained. The City Attorney recommended settlement in the amount of \$150,000.

Motion by Councilmember Winterer, seconded by Councilmember Davis, to approve Settlement No. 10028 (CCS), as recommended by the City Attorney.

AYES: Councilmembers Davis, Himmelrich, Winterer, O'Day,  
Mayor Pro Tem Vazquez, Mayor McKeown  
NOES: None  
ABSENT: Councilmember O'Connor

**1-B: Conference with Legal Counsel – Existing Litigation –  
Litigation has been initiated formally pursuant to Government Code  
Section 54956.9 (d)(1): Camarena v. City of Santa Monica, Los Angeles  
Superior Court Case Number BC 533 524**

The City Attorney advised this matter related to a personnel matter with allegations of failure to accommodate a disability, and outside counsel was retained. The City Attorney recommended settlement in the amount of \$97,500.

Motion by Councilmember Winterer, seconded by Councilmember Davis, to approve Settlement No. 10029 (CCS), as recommended by the City Attorney.

AYES: Councilmembers O'Day, Winterer, Himmelrich, Davis,  
Mayor Pro Tem Vazquez, Mayor McKeown  
NOES: None  
ABSENT: Councilmember O'Connor

**1-C: Conference with Legal Counsel – Existing Litigation –  
Litigation has been initiated formally pursuant to Government Code  
Section 54956.9 (d)(1): Young v. City of Santa Monica, Los Angeles  
Superior Court Case Number BC 530 213**

The City Attorney advised this matter related to a trip and fall on a City sidewalk. The City Attorney recommended settlement in the amount of \$40,000.

Motion by Councilmember Davis, seconded by Councilmember Winterer, to approve Settlement No. 10030(CCS), as recommended by the City Attorney.

AYES: Councilmembers Davis, Himmelrich, Winterer, O'Day,  
Mayor Pro Tem Vazquez, Mayor McKeown

NOES: None  
ABSENT: Councilmember O'Connor

**1-D: Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2) – ACLU challenge to noise ordinance**

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

**1-E: Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9 (d)(1): Harris v. City of Santa Monica, Los Angeles Superior Court Case Number 341 569**

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

**REPORT ON MEETING  
COMPENSATION**

Pursuant to State law, City Clerk Sarah Gorman announced that Council will receive no compensation for meeting as the Redevelopment Successor Agency.

**CONSENT CALENDAR:  
JOINT SPECIAL  
MEETING WITH THE  
REDEVELOPMENT  
SUCCESSOR AGENCY**

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

There being a Consent Calendar for the City Council and the Redevelopment Successor Agency the Mayor, with the consensus of Council, combined the Consent Calendars into a joint meeting so as to hear them concurrently, with Agency Member/Councilmember O'Connor absent.

Member of the public Denise Barton commented on various Consent Calendar items.

At the request of Agency Member/Councilmember Himmelrich, Item 3-D was removed from the Consent Calendar.

Motion by Agency Member/Councilmember O'Day, seconded by Agency Member/Councilmember Winterer, to approve the Consent Calendar except for Item 3-D, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Agency Member/Councilmembers O'Day, Winterer,  
Himmelrich, Davis  
Chair Pro Tem/Mayor Pro Tem Vazquez,  
Chair/Mayor McKeown

NOES: None  
ABSENT: Agency Member/Councilmember O'Connor

**MINUTES**

3-A: **The minutes** of January 27, 2014, City Council meetings were approved.

**DOOR THROUGH DOOR  
RIDE PROGRAM**

3-B: **Adoption of a Resolution Authorizing the Submission of a Grant Application to the Los Angeles County Metropolitan Transportation Authority for Continued Funding for the Door Through Door Attended Ride Program** – recommendation that City Council: Adopt Resolution No.10862 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM UNDER THE FEDERAL TRANSIT ADMINISTRATION'S SECTION 5310 PROGRAM, AND TO NEGOTIATE AND TO ENTER INTO A GRANT AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND ANY AMENDMENTS THERETO,” and authorize the City Manager to execute all necessary documents to apply for the grant, accept the grant, if awarded, accept all grant renewals, if awarded, and participate in the program; and, authorize budget changes, in the event that the grant is awarded, was approved.

**WATER  
CONSERVATION FUND  
GRANT**

3-C: **Application for a Land and Water Conservation Fund Grant** – recommendation that City Council: Adopt Resolution No. 10863 (CCS) entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS FOR A LAND AND WATER CONSERVATION GRANT, AND TO NEGOTIATE AND TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RENOVATION AND ANY AMENDMENTS THERETO”, and authorize the City Manager to execute all necessary documents to apply for the grant and accept the grant, if awarded; and, authorize budget changes, in the event that the grant is awarded, was approved.

**ELEVATOR  
MODERNIZATION  
PROJECT**

3-E: **Construction Contract Change Order for the Airport Administration Building Elevator Modernization Project** – recommendation to authorize the City Manager to negotiate and execute a first change order to Contract #9893 (CCS) in the amount of \$35,000 with Fast-Track Construction Corporation, to provide additional construction services for the Airport Administration Building Elevator Modernization Project, resulting in an amended contract with a new total amount not to exceed \$441,780, and authorize any necessary change orders to complete

the work within budget authority, was approved.

**CITY HALL TENANT  
IMPROVEMENT  
PROJECT**

**3-F: Construction Contract Change Order for the City Hall HVAC Replacement & Public Works Tenant Improvement Project** – recommendation to authorize the City Manager to negotiate and execute a second change order to Contract No. 10027 (CCS) in the amount of \$50,000 with Ramco General Engineering Contractors, to provide additional construction services for the City Hall HVAC Replacement & Public Works Tenant Improvement Project, resulting in an amended contract with a new total amount not to exceed \$221,163, and authorize any necessary change orders to complete the work within budget authority, was approved.

**INSURANCE COVERAGE**

**3-G: Resolution No. 10864 (CCS) entitled:** “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING THE TENTATIVE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING SETTING THE TERMS AND CONDITIONS OF MEDICAL INSURANCE COVERAGE WITH MANAGEMENT TEAM ASSOCIATES, SUPERVISORY TEAM ASSOCIATES, ADMINISTRATIVE TEAM ASSOCIATES, MUNICIPAL EMPLOYEES ASSOCIATION, INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 911, PUBLIC ATTORNEYS UNION, PUBLIC ATTORNEYS’ LEGAL SUPPORT STAFF UNION, UNITED TRANSPORTATION UNION, LOCAL 1785 - INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS (SMART), EXECUTIVE PAY PLAN PARTICIPANTS, AND CERTAIN UNREPRESENTED CLASSIFICATIONS,” was adopted.

**CREDIT CARD  
PROCESSING SERVICES**

**3-D: Third Modification to Agreement with TransFirst Health and Government Services, Inc. for Credit Card Processing Services** – recommendation to authorize the City Manager to negotiate and execute a third modification to Contract #9082 in an amount not to exceed \$800,000 with TransFirst Health and Government Services, Inc. (TransFirst), to continue to provide merchant account processor services for credit card payments related to City fees and services on a month-to-month basis no later than June 30, 2015, resulting in an amended contract with a new total amount not to exceed \$8,150,000, was presented.

Agency Member/Councilmember Himmelrich advised that she removed the item to gain further information from staff.

Motion by Agency Member/Councilmember Himmelrich, seconded by Chair Pro Tem/Mayor Pro Tem Vazquez, to approve the staff recommendation. The motion was approved by the following vote:

AYES: Agency Member/Councilmembers O'Day, Winterer, Himmelrich, Davis  
Chair Pro Tem/Mayor Pro Tem Vazquez, Chair/Mayor McKeown  
NOES: None  
ABSENT: Agency/Councilmember O'Connor

**RECOGNIZED  
OBLIGATION PAYMENT  
SCHEDULE**

**3-H: Recognized Obligation Payment Schedule: July through December 2015** – recommendation that the Redevelopment Successor Agency, adopt Resolution No. 22 (SA) entitled, “A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 2015 – DECEMBER 2015” and Resolution No. 23 (SA) entitled, “A RESOLUTION OF THE SANTA MONICA REDEVELOPMENT SUCCESSOR AGENCY APPROVING AND ADOPTING THE ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 2015 – DECEMBER 2015, INCLUSIVE”, was presented.

Motion by Agency/Councilmember Himmelrich, seconded by Chair Pro Tem/Mayor Pro Tem Vazquez, to approve the staff recommendation. The motion was approved by the following vote:

AYES: Agency Member/Councilmembers O'Day, Winterer, Himmelrich, Davis,  
Chair/Mayor Pro Tem Vazquez, Chair/Mayor McKeown  
NOES: None  
ABSENT: Agency Member/Councilmember O'Connor

**ADJOURNMENT OF THE  
SPECIAL JOINT  
MEETING**

On order of the Chair/Mayor, the special joint meeting with the Redevelopment Successor Agency was adjourned at 6:58 p.m., and the regular City Council meeting was reconvened, with Councilmember O'Connor absent.

**ORDINANCES:  
NOISE REGULATIONS**

**7-A: Introduction and first reading of an Ordinance modifying Chapter 4.12 of the Santa Monica Municipal Code updating the City's noise regulations to better protect the community's health and welfare and to ensure compliance with applicable legal standards, was presented.**

Member of the public Jerry Rubin spoke generally in favor of the recommended action.

Members of the public Ned Landin, Tay Uhler (donated time by Stefani Uhler), spoke generally in opposition to the recommended action.

Deputy City Attorney Yibin Shen suggested an amendment to the proposed ordinance that provided that the following language in the proposed

ordinance be changed: In Section 2, Section 4.12.030 Exemptions, “except for section 4.12.030” be changed to “except for section 4.12.025,” to correct a typographical error.

Motion by Councilmember O’Day, seconded by Councilmember Davis, to introduce and hold first reading of the ordinance, as amended, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O’Connor

**STAFF**  
**ADMINISTRATIVE**  
**ITEMS:**  
**BERGAMOT STATION**  
**ARTS CENTER**

**8-A: Bergamot Station Arts Center Guidelines and Advisory Committee** – recommendation that City Council: 1) Adopt guidelines for the revitalization of the City-owned Bergamot Station Arts Center property; 2) Identify the role of an advisory committee in helping shape the future of the Arts Center; and 3) Approve the composition and process for establishing the advisory committee, was presented.

Members of the public Jerry Rubin, Jeff Worthe, Mary Marlow, Bill Turner, Lois Lambert and Andrew Hoyer spoke generally in favor of the recommended action.

Considerable discussion ensued on topics including, but not limited to composition of the advisory group, composition of the development, and modification of Guideline Four regarding the Santa Monica Museum of Art.

Housing and Economic Development Director Andy Agle proposed an amendment to Guideline 4 to provide that “the project shall incorporate a permanent home for a museum or other significant cultural institution that can demonstrate the ability to finance tenant improvements and ongoing operations while providing a cultural experience that benefits the Santa Monica community. Preference for a long term lease of the space shall be given to the Santa Monica Museum of Art.”

Motion by Councilmember Davis, seconded by Councilmember O’Day, to adopt staff report guidelines for the next stage of planning for the revitalization of the City-owned Bergamot Station Arts Center property, including the following amendment to Guideline 4: to provide that “the project shall incorporate a permanent home for a museum or other significant cultural institution that can demonstrate the ability to finance tenant improvements and ongoing operations while providing a cultural experience that benefits the Santa Monica community. Preference for a

long term lease of the space shall be given to the Santa Monica Museum of Art;” and to create the advisory committee with the following members: 1. 4 members of the Bergamot Gallery and Cultural Association, appointed by the Association, with one of these four being a nonprofit tenant; 2. 4 residents appointed by the Neighborhood Council; 3. 1 person appointed by the Convention and Visitors Bureau; 4. 1 person appointed by the Chamber of Commerce; and 5. 1 person appointed by the Arts Commission, who operates a successful Santa Monica cultural nonprofit.

Motion to amend by Councilmember Winterer, to instruct the Arts Commission that the priority for the Commission’s appointment should be a representative of a Santa Monica based arts nonprofit, but if no such person is available to serve on the group, the Commission could select a non-Santa Monica based representative.

The motion was friendly to the mover and the seconder.

Motion to amend by Councilmember Davis, to include the staff recommendation to identify the role of an advisory committee in helping shape the future of the Arts Center. The motion was friendly to the seconder.

The motion was approved by the following vote:

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

## **BIKESHARE SYSTEM**

**8-B: Bikeshare System Identity Selection** – recommendation that Council take the following actions to establish the bikeshare system identity: 1) Select “Breeze” as the name for the bikeshare system; 2) Allow two possible locations on bikes (triangular frame covers and baskets) for sponsorship messaging; and, 3) Approve potential use of the concept umbrella name “Westside Ride” for a system that expands to other jurisdictions, was presented.

No members of the public spoke on this item.

Discussion ensued on topics including, but not limited to the location of sponsorship messaging on bikes.

Motion by Councilmember Winterer, seconded by Councilmember O’Day, to adopt the staff recommendation. The motion was approved by the following vote:



AYES: Councilmembers Davis, Himmelrich, Winterer, O'Day,  
Mayor Pro Tem Vazquez, Mayor McKeown  
NOES: None  
ABSENT: Councilmember O'Connor

**NAMING BUFFER PARK**

**8-C: Naming Buffer Park** – recommendation that City Council: 1) Review and comment on recommendations from the Recreation and Parks Commission, as well as the results of the Buffer Park naming survey and public suggestions to date; 2) Select a name for the park currently known as Buffer Park and direct staff to proceed with using the selection as the park's official name going forward, was presented.

On order of the Mayor, and at the request of staff, this matter was continued to a future meeting.

**DOWNTOWN  
ASSESSMENT DISTRICT**

**8-D: Potential Modification and Expansion of Downtown Assessment District** – recommendation that the City Council: 1) Review and comment on the Draft Colorado Avenue Overlay Management Plan and Engineer's Report and the Draft Lincoln Boulevard Property-Based Assessment District Management Plan and Engineer's Report; 2) Approve the proposed plans including City funding for the payment of general benefits associated with the assessment areas; and, 3) Authorize the City Manager to sign petitions relating to the City-owned parcels located within the proposed Colorado Overlay, was presented.

Members of the public Scott Schofeld and Steven Welliver spoke generally in favor of the recommended action.

Members of the public Denise Barton, Andrew Hoyer, spoke generally in opposition to the recommended action.

Considerable discussion ensued on topics including, but not limited to a change to the threshold for approval of the district, improvement of Lincoln Boulevard, and modification of boundaries of the project.

Motion by Councilmember Davis, seconded by Councilmember Winterer, to adopt the staff recommendation but to direct staff to prepare an ordinance similar to the ordinance that was used for the creation of the original Property-Based Assessment District to only require a 40% signature threshold to place the matter before the property owners. The motion was approved by the following vote:

AYES: Councilmembers Davis, Himmelrich, Winterer, O'Day,  
Mayor Pro Tem Vazquez, Mayor McKeown  
NOES: None  
ABSENT: Councilmember O'Connor

**FIRE STATION LAND EXCHANGE**

**8-E: Modification to Agreement for Fire Station Land Exchange** – recommendation to authorize the City Manager to modify terms of the proposed Purpose and Sale Agreement with 1337 7<sup>th</sup> Street LLC related to an exchange of City-owned property located at 1338-42 and 1323 5<sup>th</sup> Street for privately owned property located at 1337-47 7<sup>th</sup> St, was presented.

No members of the public were present to speak on the item.

Motion by Councilmember O’Day, seconded by Councilmember Winterer, to adopt the staff recommendation. The motion was approved by the following vote:

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

**COUNCILMEMBER DISCUSSION ITEMS:**  
**PLANNING COMMISSION**

**13-A: Appointment to one unscheduled vacancy on the Planning Commission for a term ending on June 30, 2015,**

Members of the public Jerry Rubin spoke generally in favor of the recommended action.

Members of the public Andrew Hoyer spoke generally in opposition to the recommended action.

On order of the Mayor, the appointment was continued to the March 17, 2015 Council meeting.

**RE-ORDER WATER RATES HEARING**

**13-B: Request of Mayor McKeown that the Council direct that the council agenda for the upcoming regular meeting of February 24th, 2015, shall be re-ordered such that the public hearing on water rates be conducted immediately after the consent calendar and prior to the remaining items on the agenda,** was presented.

Members of the public Jerry Rubin spoke generally in opposition to the recommended action.

Motion by Councilmember Winterer, seconded by Councilmember Himmelrich, to approve the recommendation. The motion was approved by a unanimous voice vote, with all members present excepting Councilmember O’Connor.

**PUBLIC INPUT:**

Members of the public Denise Barton, Art Casillas, Andrew Hoyer and John Foster commented on various local issues.

**ADJOURNMENT**

On order of the Mayor, the City Council meeting was adjourned at 8:52 p.m. in memory of Charles Hodgins and Kieran McCann.

ATTEST:



Sarah P. Gorman  
City Clerk

APPROVED:



Kevin McKeown  
Mayor