

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

FEBRUARY 14, 2023

A regular meeting of the Santa Monica City Council was called to order by Mayor Davis at 5:34 p.m., on Tuesday, February 14, 2023, at City Council Chambers, 1685 Main Street, Santa Monica, CA.

Roll Call: Present: Mayor Glean Davis
Mayor Pro Tem Lana Negrete
Councilmember Phil Brock
Councilmember Oscar de la Torre
Councilmember Christine Parra
Councilmember Caroline Torosis (*arrived at 6:03 p.m.*)
Councilmember Jesse Zwick

Also Present: City Manager David White
City Attorney Douglas Sloan
City Clerk Denise Anderson-Warren

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 5:34 p.m., with all members present except Councilmember Torosis. City Attorney Sloan led the assemblage in the Pledge of Allegiance.

GENERAL PUBLIC INPUT:

Members of the public Denise Barton, Jerry Rubin, Johnathan Foster, Goli Bashamah, and Jill Hawkins commented on various local issues.

PUBLIC INPUT FOR CLOSED SESSION, SPECIAL AGENDA ITEMS AND CONSENT CALENDAR ONLY:

There were no members public present to comment on closed session items.

There were no members of the public present to comment on special agenda items.

Members of the public Johnathan Foster commented on consent calendar items.

AGENDA MANAGEMENT

Motion by Mayor Davis, seconded by Mayor Pro Tem Negrete, to hear the Homeless Proclamation (11.A.), the two continued items (8-items), and the Appointment (16.A.) before the Housing Element. The motion was unanimously approved by voice vote, with Councilmember Torosis absent.

PROCLAMATIONS/ COMMENDATIONS

4.A. Proclamation for Women's Heart Health Month, was presented by Mayor Pro Tem Negrete.

CLOSED SESSIONS

*Councilmember Torosis
arrived at 6:03 p.m.*

On order of the Mayor, the City Council recessed at 5:56 p.m., to consider closed sessions and returned at 7:06 p.m., with all members present, to report the following:

3.A. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Jerrid Powell v. City of Santa Monica, et al., Los Angeles Superior Court, Case No. 20STCV15438

The City Attorney advised this matter was pulled and not heard.

3.B. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Gov. Code Section 54956.9(d)(1): City of Santa Monica v. The Insurance Company of the State of Pennsylvania, et al., LASC Case No.

The City Attorney advised this matter was pulled and not heard.

3.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Gov. Code Section 54956.9(d)(1): John VMA Doe, et al. v. City of Santa Monica, et al., Case No. 22STCV30598; John TAU Doe, et al. v. Santa Monica PAL, et al., Case No. 22STCV19401; John Doe 1-4 v. Does 1-50, Case No. 21STCV34537; John Doe 5 and John Doe 6 v. Does 1-50, Case No. 22STCV08765; John JH Doe v. Police Activities League, et al., Case No. 21STCV24491; John Doe (D.C.) v. Santa Monica Police Activities League, et al., Case No. 21STCV47551; John Doe (MU) v. Santa Monica PAL, et al., Case No. 22STCV17022; John Doe #1, John Doe #2 and John Doe #3 v. Santa Monica PAL, et al., Case No. 22STCV03113; John Doe 142 v. Doe 1, Doe 2, and Doe 3, Case No. 22STCV01268; Jose Villaseñor v. City of Santa Monica, et al., Case No. 22STCV17835 -

The City Attorney advised this matter was pulled and not heard.

3.D. Conference with Labor Negotiator: Government Code Section 54957.6 -- Agency Designated Representatives: City Manager David White and Chief People Officer Lori Gentles; Bargaining Unit: FEMA-Santa Monica Fire Executive Management

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

The City Attorney reported out on two previous cases:

Following the January 24 closed session, the City settled Jessica Villalobos-Martinez, et al. v. City of Santa Monica, 21STCV04406, for

\$350,000; the vote was 7-0.

At the January 24 closed session, the Council approved the City defending the case of California Business Roundtable v. City of Santa Monica, et al., 23-SMCV-00111, by a vote of 5-2, with Brock and Parra voting no.

MOMENT OF SILENCE

The Mayor acknowledged a moment of silence for those impacted by the earthquakes in Turkey and Syria. Councilmember Parra shared some Earthquake Readiness tips.

**SPECIAL AGENDA
ITEMS:**

4.B. City Attorney's Report on Gifts, was presented.

4.C. City Manager's Report - Update on Public Safety, was presented.

**REPORT ON COUNCIL
TRAVEL**

Councilmember Parra reported that she traveled to the Independent Cities Association in Santa Barbara which covered information about domestic violence from a law enforcement perspective; how to reduce calls for service; how to get services into schools to support students and parents; training teachers to spot the signs of domestic violence; and media training for public officials.

Councilmember Brock reported that he also attended the conference in Santa Barbara where there was discussions about water, guns and liabilities in cities. Sheriff Luna spoke about the importance of officers establishing relationships with their residents. To engage with other city officials was a worthwhile seminar.

CONSENT CALENDAR:

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

Motion by Councilmember Brock, seconded by Councilmember de la Torre, 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 de la Torre, Torosis, Brock, Parra, Zwick
Mayor Pro Tem Negrete, Mayor Davis

NOES: None

ABSENT: None

PIER BRIDGE

5.A. Award RFP #SP2060 to Dokken Engineering, Inc. for design of the Pier Bridge Replacement Project, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award RFP #SP2060 to Dokken Engineering, Inc. for the Pier Bridge Replacement Project to provide engineering design services, permit support, develop construction documents, conduct public outreach, and provide engineering support during the construction phase, for the Public Works Department;
2. Authorize the City Manager to negotiate and execute Agreement No. 11361 (CCS) with Dokken Engineering, Inc., in an amount not to exceed \$4,158,400.
3. Direct staff to return to Council for Final Environmental Impact Report/Environmental Assessment (EIR/EA) certification and to commence the final design, only after the Final EIR/EA is certified.

**DEPARTMENT OF
JUSTICE GRANT**

5.B. Adoption of Resolution No. 11497 (CCS) “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$115,983 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO LAW ENFORCEMENT GRANT PROGRAM”, was adopted.

Recommended Action

Staff recommends that the City Council:

1. Adopt the attached resolution authorizing the acceptance of a grant awarded in the amount of \$115,983 from the California Department of Justice Tobacco Grant Program for the Tobacco Enforcement program at the Police Department, and to accept all grant renewals.
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 & Budget Actions section of this report.
4. Adopt a finding that the Tobacco Grant Program is categorically exempt pursuant to Section 15321 (Class 21, Enforcement Actions) of the California Environmental Quality Act (CEQA) Guidelines.

**SOLID WASTE RATE
STUDY**

5.C. Approval of Third Contract Modification with R3 Consulting Group, Inc. for Solid Waste Rate Study, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to negotiate and execute a third modification to agreement #10781 in the amount of \$95,000 with R3 Consulting Group, Inc. for solid waste rate study services for the Public Works Department. This will result in a four-year amended agreement with a new total amount not to exceed \$447,075, with future year funding contingent on Council budget approval.
2. Adopt a finding that the modification to agreement is statutorily exempt from the California Environmental Quality Act (CEQA)

pursuant to Section 15262 of CEQA.

MINUTES

5.D. Minutes of the City Council - Regular Meeting - October 25, 2022, were approved.

MINUTES

5.E. Minutes of the City Council - Regular and Special Meeting - December 13, 2022, were approved.

MINUTES

5.F. Minutes of the City Council - Regular Meeting - January 10, 2023, were approved.

MINUTES

5.G. Minutes of the City Council - Regular Meeting - January 24, 2023, were approved.

**PUBLIC INPUT ON
REMAINING AGENDA
ITEMS:**

Jim Ries and Leslie Lambert spoke on behalf of the Planning Commission, members of the public Hunter Hall, Natalya Zeritskaya, Amy Anderson and Jerry Rubin commented on Item 7.A.

Members of the public Denise Barton, Natalya Zernitskaya and Jerry Rubin commented on Item 8.A.

Members of the public Denise Barton and Natalya Zernitskaya commented on Item 8.B.

Members of the public Anthony Mollica (time donated by Mark Mollica), Adam Bester and Hunter Hall commented on Item 10.A.

Members of the public Denise Barton and Johnathan Foster commented on Item 11.A.

**STUDY SESSION:
HOUSING ELEMENT**

7.A. Study Session on Implementation of 6th Cycle (2021-2029) Housing Element Programs, was continued to the February 22, 2023 Special Meeting.

Recommended Action

To ensure that the City of Santa Monica remains in compliance and consistent with its approved 6th Cycle Housing Element of the City's General Plan, staff recommends that the City Council discuss and provide direction on the policy questions presented in this report regarding the Planning Commission's recommended amendments to the following:

- Land Use and Circulation Element of the General Plan;
- Bergamot Area Plan;
- Downtown Community Plan, and
- The City of Santa Monica Comprehensive Zoning Ordinance, Santa Monica Municipal Code Chapters 9.01 to 9.52,

City Council is also being asked to discuss and provide direction on the following:

- Amendments to the General Plan Land Use Designation Map and the Official Zoning Map for Consistent Designation of Parcels;
- Amendments to the Zoning Ordinance for Consistency with State Law Updates related to Housing Production and Minimum Parking Requirements; and
- Minor Clarifying Amendments to the Zoning Ordinance.

CONTINUED ITEMS:
SUSTAINABLE CITY
PLAN

8.A. Receive and File Sustainable City Plan, Policies, and Programs, was presented.

Recommended Action

Staff recommends that the City Council:

1. Receive and file the City's Sustainability City Plan, Policies and Programs for the Public Works Department.
2. Adopt a finding of Categorical Exemption pursuant to Section 15307 of the California Environmental Quality Act (CEQA) Guidelines.

Questions asked and answered of staff including: what comes next, specifically with housing and making sure that the infrastructure is there to meet these sustainable goals; what do the tenant incentives look like for electric and other sustainable upgrades; as our city grows, is it safe to say because of our policies that if people lived in other parts of the region, they would probably use more water; doesn't it make more sense to measure water by per capita instead of by the gallon; how is progress measured with recycling and organics; is there any plan to create a compost waste facility in the city; why is it important to use the ratio of households versus the amount of jobs in the city; is there a way to add in the electric water heaters in the rebate programs; if we adopt standards that require no parking, will the building still be required to have EV charging stations; are the streetside chargers fast or slow chargers; and, is there anything the Council can do to encourage Southern California Edison to upgrade their electrical infrastructure.

Considerable discussion ensued on topics including, but not limited to: it would be nice to make rebates and incentive information for tenants easier to find on the city's website; a lot of gratitude and thanks for the work that the city staff has done in the subject of sustainability; look at ways to mitigate and improve areas that have been impacted by environmental hazards (i.e. the 10 Freeway or the Airport); give residents some sort of advantage in the local job market; support using the parks as charging stations; and, encouragement to apply for grants that can help us upgrade our infrastructure.

On the order of the Mayor, the information presented was received and filed.

AGENDA MANAGEMENT

Motion by Mayor Davis, seconded by Councilmember Brock, to continue the entire Housing Element to the February 22, 2023, Special meeting, with the Public hearing already closed. The motion was unanimously approved by voice vote, with all members present.

POST-PANDEMIC RECOVERY

8.B. Request of Councilmember Torosis and Mayor Pro Tem Negrete Expediting an Equitable Post-Pandemic Recovery for Santa Monica's Small Businesses, was presented.

Questions asked and answered of staff included, would it be a friendly amendment to include relocation for small businesses as construction and new building happening around town.

Motion by Mayor Pro Tem Negrete, seconded by Councilmember Zwick, to adopt the staff recommendation, with an amendment. The motion was approved by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre,
Mayor Pro Tem Negrete, Mayor Davis

NOES: None

ABSENT: None

ORDINANCES:

10.A. Introduction and First Reading of an Ordinance Amending Santa Monica Municipal Code Chapter 6.42 that Established the Outdoors Parklet Program, was presented.

Recommended Action

Staff recommends that Council consider:

1. Adopt a finding of Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.
2. Introduction for first reading of an Ordinance amending Santa Monica Municipal Code ("SMMC") Chapter 6.42 (Attachment A) that established a comprehensive permanent parklet program ("Parklet Program") to: (a) increase the maximum number of parking and loading spaces that are allowed for the operation of a parklet on the City's public right-of-way, provided an eligible business meets certain conditions, from up to two spaces total to up to four spaces total; and (b) clarify certain responsibilities of eligible businesses that operate parklets under the Parklet Program.

Questions asked and answered of staff included: can the ordinance be revised to eliminate having to go to the landlord instead of going to the owner of a restaurant; can the parklet design requirements be changed; is

there a way to reward those businesses that followed the rules to reduce the parklets to two parking spaces; did the original ordinance require the security deposit be made through the City Council; is there a certain formula used to determine how much the security deposit will be; if a business or restaurant moves and abandons their parklet, what happens to that parklet, can the new business take over that parklet; is there a plan to grandfather in those businesses that had more than two parklets; and, what is the security deposit used for other than removal.

Considerable discussion ensued on topics including, but not limited to: if a business owner is grandfathered to have more than two spaces and there is a break in the business, without a transfer, this ordinance only allows the new business to have two spaces for the parklet; expressed support for allowing businesses that previously had larger parklets, to allow them to remain; the security deposit should be capped with a specific percentage increase annually based on indexing for new tenants; supports a cap, as long as it is a cost recovery cap; and, it's important for local businesses to understand that our cost and fees are far less onerous compared to other jurisdictions to operate a parklet program.

Motion by Mayor Pro Tem Negrete, seconded by Councilmember de la Torre, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof, as amended.

The Mayor and City Attorney provided clarification for the updated language: 1) ownership issue, if a proposed parklet will encroach in front of an adjacent property, both the adjacent business and property owner must consent; 2) if there is any break in the operation of the parklet, that the new business would not qualify, and therefore would only be able to operate a maximum of two spaces; and 3) whatever security deposit imposed for operation of a parklet would be tied to cost recovery for the removal and/or operation of the parklet.

The motion was approved by the following vote:

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

Councilmember Torosis voted no because she does not support spot-zoning to help one specific business when there is already a process in place.

AGENDA MANAGEMENT

Councilmember de la Torre, seconded by Councilmember Brock, to continue past 11:00 p.m. and hear all items remaining on the agenda. The motion was unanimously approved by voice vote, with all members

present.

STAFF
ADMINISTRATIVE
ITEMS:
LOCAL EMERGENCY
DECLARATION

11.A. Adoption of Proclamation of the City Council of the City of Santa Monica Declaring a Local Emergency on Homelessness, was presented.

Recommended Action

Staff recommends that Council adopt the attached Proclamation. Questions asked and answered of staff included: which department will be mostly impacted by this; how much money is in the housing authority fund; when can we expect this to return to Council; is this Emergency proclamation is only for 180-days; what can the residents expect to see done during this 180-days; and, how is it envisions using this proclamation to work with other jurisdictions who are bordered on Santa Monica.

Motion by Councilmember Brock, seconded by Mayor Pro Tem Negrete, to adopt the staff recommendation. The motion was approved by voice vote, with all Councilmembers present.

COUNCILMEMBER
DISCUSSION ITEMS:
DISABILITIES
COMMISSION

16.A. Appointment to two unscheduled vacancies on the Disabilities Commission for a term ending on 6/30/2025 and 6/30/2026, was presented.

The appointment for the term ending on 6/30/2025 was continued to a future date.

On order of the Mayor, the floor was opened for nominations for the term ending on 6/30/2026.


Motion by Councilmember Brock, seconded by Councilmember Torosis to nominate Gerald Rakfeldt.

Gerald Rakfeldt was appointed to the Disability Commission for a term ending June 30, 2026, by acclamation with all members present.


ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 11:45 p.m. in memory of Jule Lamn and Marnita Carraway.

ATTEST:

DocuSigned by:

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Denise Anderson-Warren
City Clerk

APPROVED:

DocuSigned by:

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Glean Davis
Mayor