

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 10, 2023

A regular meeting of the Santa Monica City Council was called to order by Mayor Davis at 5:33 p.m., on Tuesday, January 10, 2023, at City Council Chambers, 1685 Main Street, Santa Monica, CA.

Roll Call: Present: Mayor Gleam Davis
Mayor Pro Tem Lana Negrete
Councilmember Phil Brock
Councilmember Oscar de la Torre
Councilmember Christine Parra
Councilmember Caroline Torosis (*arrived at 5:47 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 5:33 p.m., with all members present except Councilmember Torosis. Councilmember de la Torre led the assemblage in the Pledge of Allegiance.

GENERAL PUBLIC INPUT:

*Councilmember Torosis
arrived at 5:47 p.m.*

Members of the public Jerry Rubin, Maria Esparza, Lucian Tudor, Theresa, Irene Ruiz, Dulce, Nicholas Carrillo, Jorge Luis Cruz, Will Bold, Alejandro Hernandez, Elena Hernandez, Kayla Smith, Cynthia Anderson Barker, Alexandru Stan, Abraham Chapman, Christopher Chavez, Teresa Murcia, Jane McCaffrey, and Katie McKeon commented on various local issues.

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

There were no members of the public present to provide public comment on Closed Session, Special Agenda Items or Consent Calendar items.

CLOSED SESSIONS

On order of the Mayor, the City Council recessed at 6:18 p.m., to consider closed sessions and returned at 7:03 p.m., with all members present, to report the following:

**3.A. Conference with Legal Counsel – Existing Litigation – Gov.
Code Section 54956.9(d)(1): Biden v. Nebraska, U.S. Supreme Court**

docket no. 22A444.

The City Attorney advised that the City Council has agreed to join this amicus brief. The City Attorney reported the Council approved joining by a unanimous vote, with all members present.

**SPECIAL AGENDA
ITEMS:**

**REPORT ON COUNCIL
TRAVEL**

4.A. City Manager's Report: COVID-19 Emergency Order, was presented.

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.

The City Clerk read into the record a correction to the resolution for Item 5.F. that the first meeting in November should be November 14th, not November 11th.

Motion by Councilmember Brock, seconded by Mayor Pro Tem Negrete, to approve the Consent Calendar, reading resolutions by title only and waiving further reading thereof, with the correction to Item 5.F. 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

**TELECONFERENCE
MEETINGS**

5.A. Adoption of Resolution No. 11490 (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 the City 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.

**SHORT RANGE TRANSIT
PLAN**

5.B. Adoption of Resolution No. 11491 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO AUTHORIZE THE CITY MANAGER TO FILE THE FY 2022-23 THROUGH FY 2024-25 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 FY 2022-23 THROUGH FY 2024-25”, was approved.

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to file the Fiscal Year (FY) 2023-25 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, and 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 2022-23 through FY 2024-25.
3. Staff recommends the Council adopt a finding of no possibility of significant effect pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.

PIER

5.C. Award Bid and Enter into Construction Contract No. 11350 (CCS) with Jilk Heavy Construction, Inc. for Pier Below Deck Fire Sprinkler Replacement Project - Phase 2, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2676 to Jilk Heavy Construction, Inc. for construction services for the Pier Below Deck Fire Sprinkler Replacement Project – Phase 2 for the Public Works Department;
2. Authorize the City Manager to negotiate and execute a contract with Jilk Heavy Construction, Inc. in an amount not to exceed \$2,086,140 (including a 20% contingency);
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority; and
4. Adopt a finding of Categorical Exemption pursuant to Section 15302, Replacement or Reconstruction, of the California Environmental Quality Act (CEQA) Guidelines.

COVID-19 EMERGENCY PROCLAMATION

5.D. Adoption of Resolution No. 11492 (CCS) entitled “AN EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF SANTA MONICA PURSUANT TO CHAPTER 2.16 OF THE SANTA MONICA MUNICIPAL CODE RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY AND SUPPLEMENTAL PROCLAMATIONS THERETO”, was adopted.

Recommended Action

Staff recommends that Council adopt the proposed resolution ratifying the Executive Order issued by the Director of Emergency Services declaring the existence of a local emergency in the City of Santa Monica and the Supplements to that Order.

**SOUTH BEACH
PARKING LOT**

5.E. Accept Proposal and Enter into Agreement No. 11351 (CCS) with the San Francisco AIDS Foundation for the AIDS/LifeCycle 2023 Finish Line Festival, was approved.

Recommended Actions

Staff recommends that the City Council:

1. Adopt a finding of categorical exemption pursuant to Section 15323 (Class 23 Normal Operations of Facilities for Public Gatherings) of the California Environmental Quality Act (CEQA) Guidelines; and
2. Authorize the City Manager to negotiate and execute a license agreement with the San Francisco AIDS Foundation for use of the 4 South Beach Parking Lot from June 9-10, 2023 for the “AIDS/LifeCycle 2023 Finish Line Event”.

**CITY COUNCIL
MEETING CALENDAR**

5.F. Adoption of Resolution No. 11493 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING THE 2023 CITY COUNCIL MEETING CALENDAR”, was adopted, as amended.

Recommended Action

Staff recommends that the City Council adopt the attached resolution establishing the 2023 Council regular meeting calendar.

MINUTES

5.G. Approval of City Council Regular Meeting Minutes- August 23, 2022, were approved.

MINUTES

5.H. Approval of City Council Special Meeting - August 24, 2022, were approved.

**PUBLIC INPUT ON
REMAINING AGENDA
ITEMS:**

Member of the public Denise Barton commented on Item 10.C.

Members of the public Denise Barton, Ruthann Shanley and Ann Hoover commented on Item 10.D.

Member of the public Staci Griesbach commented on Item 16.A.

CONTINUED ITEMS:
COUNCIL RULES

8.A. Adoption of Resolution No. 11494 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING THE RULES OF ORDER AND PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NUMBER 11427 (CCS)”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Provide direction to staff to either continue the public input pilot as is, return to the previous method for public input; or adopt a new method based on modifications from the aforementioned options; and,
2. Adopt the attached proposed resolution amending the City Council’s Rules of Order and Procedure.

Questions asked and answered of staff including: if someone wants to request an ADA accommodation to speak at a Council meeting, when does a member of the public need to notify the Clerk’s Office; what would the cost to only have hybrid meetings for City Council meetings; is there a software to receive calls to place them in a queue before transferring the callers into the meeting; what is the total cost to hold hybrid meetings for all boards and commissions; has staff done an assessment as to the pilot, has there been any change in the number of speakers who come to speak in-person at meetings since the pilot program has been incorporated; did staff look at how AB 2449 can be incorporated to allow hybrid remote meetings; are there grants from the state that could help fulfill the cost for some of the required upgrades; can staff come back with an estimate for a hybrid cost for just the City Council meetings with the necessary upgrades; if a pilot program is done for hybrid meetings, maybe we should consider the Disability Commission; could staff come back with a breakdown of cost for upgrades and staffing for not just the Chambers, but for all city facilities that hold meetings; could we look at other systems we haven’t looked at yet for hybrid meetings; and, will the extension of the public input pilot allow members of the public to speak during the items.

Councilmember de la Torre proposed an amendment to the resolution to consider adding a rotation of the selection of the Mayor based on seniority, with the Mayor Pro Tem selection not changing.

Considerable discussion ensued on topics including, but not limited to: suggest to say the city will make its best effort to accommodate an ADA request if the request comes in after the 72-hour deadline; with regard to the pilot program, the concern is that the general public be able to have access to meetings, and being able to participate remotely; not supportive of any of the methods, supportive of remote public comments; concerns about the Mayor being selected by seniority, and that the Mayor should be elected by

the Council.

Motion by Councilmember Brock, seconded by Councilmember Torosis, to approve the rules and accept extending the pilot public input in current form for one year as is, including rotation of Mayor.

The City Attorney proposed an amendment in the accommodation section, add language that “best efforts shall be used to accommodate request received after the 72-hour deadline”. The amendment was approved by the maker and seconder of the motion.

Mayor Davis proposed a friendly amendment to separate the rotation of the Mayor from the motion and address that amendment separately. The motion was not considered friendly to the maker.

The motion was approved by the following vote:

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

Motion by Councilmember Zwick, seconded by Councilmember Torosis, to direct staff to come back with cost and trade-offs of budget priorities; a tier cost breakdown to allow hybrid public comment at Council meetings, then the breakdown for hybrid public comment for the remaining boards and commissions; and look at alternative ways to receive calls. The motion was unanimously approved by voice vote by all members present.

AUDIT SUBCOMMITTEE

8.B. Adoption of Resolution No. 11495 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING AND RESTATING AUDIT SUBCOMMITTEE RULES OF CONDUCT TO CLARIFY THE TIMING OF THE ELECTION OF THE AUDIT SUBCOMMITTEE CHAIR AND VICE-CHAIR”, was presented.

Recommended Action

Staff recommends that the City Council adopt the attached Resolution of the City Council of the City of Santa Monica Amending and Restating Audit Subcommittee Rules of Conduct to Clarify the Timing of the Election of the Audit Subcommittee Chair and Vice-Chair (Attachment A)

Motion by Councilmember Brock, seconded by Councilmember Parra, to adopt the staff recommendation.

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

BOARDS AND COMMISSION APPOINTMENTS

8.C. Appointment to three unscheduled vacancies on the multiple Commissions, was presented.

Board/Commission	Number of Appointments	Term End Date	Requirements
Airport Commission	1	6/30/2024	Santa Monica Resident
<p>On order of the Mayor, the floor was opened for nominations.</p> <p><u>Councilmember Torosis</u> nominated Joseph Pertel.</p> <p>There being no other nominations, Joseph Pertel was unanimously voted by acclamation for appointment to the Airport Commission for a term ending June 30, 2024.</p>			
Disabilities Commission	1	6/30/2025	Santa Monica Resident
<p>On order of the Mayor, the floor was opened for nominations.</p> <p><u>Mayor Pro Tem Negrete</u> nominated Cynthia Paganuzzi.</p> <p>There being no other nominations, Cynthia Paganuzzi was unanimously voted by acclamation for the appointment to the Disabilities Commission for a term ending June 30, 2025.</p>			
Personnel Board	1	6/30/2023	Santa Monica Resident
<p>On order of the Mayor, the floor was opened for nominations.</p> <p><u>Mayor Pro Tem Negrete</u> nominated Melanie Lutheran Allen.</p> <p>There being no other nominations, Melanie Lutheran Allen was unanimously voted by acclamation for the appointment to the Personnel Board for a term ending June 30, 2023.</p>			

ORDINANCES:
LOBBYING ACTIVITY

10.A. Second Reading and Adoption of Ordinance No. 2733 (CCS) entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTION 4.85.010, DEFINITIONS, AND ADDING SECTION 4.85.015 TO PROHIBIT ANY INDIVIDUAL FROM SERVING OR CONTINUING TO SERVE ON A CITY BOARD, COMMISSION, TASK FORCE, OR ADVISORY BOARD IF THAT INDIVIDUAL HAS ENGAGED IN LOBBYING ACTIVITIES IN THE CITY OF SANTA MONICA IN THE TWO YEARS PRIOR TO APPOINTMENT”, was presented

Recommended Action

Staff recommends that the City Council adopt the attached Ordinance.

Motion by Councilmember Brock, seconded by Mayor Pro Tem Negrete, to adopt the ordinance, reading by title only and waiving further reading thereof.

Councilmember Zwick proposed a friendly amendment to include those who work for non-profits organizations 501(c)(3) that work and serve the public good should also be included in the exemptions for those who are categorized as Lobbyist. The motion was not considered friendly by the maker.

The motion was approved by the following vote:

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

Direction given to the City Attorney to provide an analysis of how this would affect employees of 501(c)(3).

DIGITAL WAYFINDING

10.B. Second reading and adoption of Ordinance No. 2734 (CCS) entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE GRANT OF AN EXCLUSIVE FRANCHISE TO BIG OUTDOOR INVESTMENTS, LLC., TO INSTALL AND OPERATE OUT-OF-HOME KIOSKS IN THE CITY’S RIGHT-OF-WAY FOR 20 YEARS”, was presented

Recommended Action

Staff recommends that the City Council adopt the attached Ordinance.

Motion by Councilmember Parra, seconded by Mayor Pro Tem Negrete, to adopt the ordinance, reading by title only and waiving further reading thereof.

The motion was approved by the following vote:

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

ZONING

10.C. Introduction and Adoption of Proposed Emergency Interim Zoning Ordinance No. 2735 (CCS) entitled “AN EMERGENCY INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXTENDING INTERIM ZONING REGULATIONS TO UPDATE DENSITY BONUS REQUIREMENTS FOR 100% AFFORDABLE HOUSING DEVELOPMENTS”, was presented

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding that no subsequent environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines § 15162 based on a determination that the proposed project was analyzed as part of the 2021-2029 6th Cycle Housing Element Environmental Impact Report (EIR) [SCH No. 20212269242021] that was certified by Council on October 12, 2021 with an Addendum to the EIR approved on October 11, 2022.
2. Introduce and adopt an emergency interim zoning ordinance to extend interim zoning regulations adopted by Emergency Interim Zoning Ordinance No. 2732 (CCS) to allow qualifying 100% affordable housing projects that receive unlimited density and up to three stories or 33 feet in additional height under State Density Bonus Law to request additional waivers or reductions of development standards.

Questions asked and answered of staff included, is the Pico Neighborhood still being exempted.

Motion by Councilmember de la Torre, seconded by Councilmember Brock, to adopt a finding that no subsequent environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines § 15162 based on a determination that the proposed project was analyzed as part of the 2021-2029 6th Cycle Housing Element Environmental Impact Report (EIR) [SCH No. 20212269242021] that was certified by Council on October 12, 2021 with an Addendum to the EIR approved on October 11, 2022.

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

Motion by Councilmember de la Torre, seconded by Councilmember Brock, to introduce and adopt on first reading of the ordinance reading by title only and waiving further reading thereof. 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

SMOKING PROHIBITION 10.D. Introduction and First Reading of an Ordinance Modifying Santa Monica Municipal Code Section 4.44.020 to Enhance Enforcement of Prohibitions of Smoking in Multi-Unit Common Areas and Near Multi-Unit Residential Buildings, was presented

Recommended Action

Staff recommends that the City Council introduce for first reading the proposed Ordinance to the City's Smoking Ordinance, Section 4.44.020(a) of the Santa Monica Municipal Code ("SMMC"), to prohibit smoking in multi-unit residential common areas, and the public right-of-way areas around multi-unit residential buildings.

Questions asked and answered of staff included: are the alleys being included; is there a way to easily determine the 20 feet or 40 feet measurement; what is the average width of an alley; can this be incorporated to include all residential units in the city; and, with regards to the current prohibitions, we don't give warning there.

Considerable discussion ensued on topics including, but not limited to: concern that 40 feet may be an undue burden for some of the residents to have to go to smoke; the idea is to protect people's health and safety; and, concern that a person can misuse the written warning instead of a fine.

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, with the amendment to include alleys.

Councilmember Parra proposed a friendly amendment to change it from 20 feet to 30 feet. The amendment was considered friendly by the maker and seconder.

Councilmember Zwick proposed a friendly amendment to amend the section under Infractions to use the same language as under Admin Citations, Section 16 issuing a written warning with the same penalties. The amendment was considered friendly by the maker and seconder.

The motion, with amendments 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

COUNCILMEMBER
DISCUSSION ITEMS:
ARTS COMMISSION

16.A. Appointment to one unscheduled vacancy on the Arts Commission for a term ending on 6/30/2025, was presented.

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

Councilmember Parra nominated Stacy Griesbach.

Councilmember Torosis nominated Ethan Karetsk.

Staci Griesbach was appointed by the following vote:

Griesbach: Councilmembers de la Torre, Brock, Parra,
Mayor Pro Tem Negrete

Karetsky: Councilmembers Torosis, Zwick, Mayor Davis

Councilmembers Zwick, Torosis, and Mayor Davis changed their votes to Griesback, thereby appointing Stacy Griesbach by acclamation to the Arts Commission for a term ending June 30, 2025, with all members present.

ARCHITECTURAL
REVIEW BOARD


16.B. Appointment to one unscheduled vacancy on the Architectural Review Board for a term ending on 6/30/2023, was presented.

Motion by Mayor Davis, seconded by Councilmember Brock, to continue this appointment to a future date, due to there being no applicants. The motion was unanimously approved by voice vote, with all members present.

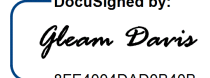
ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 9:23 p.m.in
memory of Peter F. Bradley, Rex H. Minter, and Paul J. White.

ATTEST:

DocuSigned by:

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Denise Anderson-Warren
City Clerk

APPROVED:

DocuSigned by:

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Gleam Davis
Mayor