

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MARCH 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, March 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 5:51 p.m.*)
Councilmember Jesse Zwick

Also Present: City Manager David White
City Attorney Douglas Sloan
Assistant City Clerk Nikima Newsome

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 Donnie Longino, Grant Harris, Donald Hinchman, CAT, and Johnathan Foster commented on various local issues.

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

Member of the public Grant Harris commented on closed session items.

No members of the public commented on special agenda items.

No members of the public commented on consent calendar items.

CLOSED SESSIONS

(*Mayor Davis recused from
Item 3.F. at 7:16 p.m.*)

On order of the Mayor, the City Council recessed at 5:51 p.m., to consider closed sessions and returned at 7:31 p.m., with all members present, to report the following:

3.A Conference with Labor Negotiator: Government Code Section 54957.6 – City Representatives: City Manager David White and Chief People Officer Lori Gentles; Human Resources Manager Robert Scalise; Alexander Volberding, Liebert Cassidy Whitmore; Bargaining Unit: ATA-Administrative Team Associates

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

3.B Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): City of Santa Monica, et al. v. 1238 10th Street, LLC., et al.; LASC Case No. 21SMCV01585

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

3.C Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (d)(1): NMS 1539, LLC., et al. v. City of Santa Monica, et al.; Central District of California Case No. 2:20-cv-11318-FLA(JPRx)

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

3.D Conference with Legal Counsel – Anticipated Litigation – Government Code section 65589.5(d): WS Communities v. City of Santa Monica

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

3.E Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): Santa Monica-Malibu School District, et al. v. Los Angeles County Committee on School District Organization; LASC Case No. 22STCP00986

The City Attorney advised this matter was heard with Council approving the City participating in an appeal with a vote of 4-3, with Councilmembers Brock, de la Torre, and Parra voting against the item.

3.F Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (d)(1): Lenka Kabilka v. City of Santa Monica; LASC Case No. 22STCV37782

The City Attorney advised this matter was heard with the Council approving defending the case with a vote of 6-0 with Mayor Davis recusing herself.

**SPECIAL AGENDA
ITEMS:**

**REPORT ON COUNCIL
TRAVEL**

4.A. City Manager's Report, 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.

At the request of Councilmember Brock, Item 5.B. was removed from the Consent Calendar.

At the request of Councilmember de la Torre, Item 5.E. was removed from the Consent Calendar.

Motion by Councilmember Torosis, seconded by Councilmember Brock, to approve the Consent Calendar except for Items 5B. and 5E., 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

BILLING SYSTEM

5.A. Approval of Fourth Modification to Contract #9649 (CCS) with Harris Computer Systems Corporation for Software Licensing for the NorthStar Utility Billing System, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of no possibility of significant effect on the environment pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the City Manager to negotiate and execute a fourth modification to agreement #9649 (CCS) in the amount of \$550,000 with Harris Computer Systems Corporation to extend maintenance and support services for an additional five-year period. This modification would result in a 15-year amended agreement with a new total amount not to exceed \$1,362,703, with future year funding contingent on Council budget approval.

WATER GRANT FUNDS

5.C. Adoption of Resolution No. 11504 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO APPLY FOR, NEGOTIATE, AND ENTER INTO A CALIFORNIA STATE DEPARTMENT OF WATER RESOURCES URBAN COMMUNITY DROUGHT RELIEF GRANT PROGRAM AGREEMENT FOR THE CITY OF SANTA MONICA DROUGHT RELIEF PROJECT” and Resolution No. 11505 (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 UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION WATERSMART: WATER RECYCLING AND DESALINATION PLANNING GRANT, AND TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION AND ANY AMENDMENTS THERETO”, was approved.

Recommended Action

Staff Recommends that the City Council:

1. Adopt the attached resolutions authorizing the application for grants funds in the amount of \$22.8 million with the California State Department of Water Resources’ Urban Community Drought Relief Grant Program and \$961,033 with the United States Bureau of Reclamation’s WaterSMART: Water Recycling and Desalination Planning Grant Program.
2. Authorize the City Manager to execute all necessary documents to apply for the grant, accept the grant, if awarded, and accept all grant renewals, if awarded.
3. Adopt a finding of Categorical Exemption pursuant to Section 15262, Section 15302, Section 15303, Section 15304, and Section 15306 of the California Environmental Quality Act (CEQA) Guidelines.

EMPLOYEE BENEFITS

5.D. Award Contract No. 11367 (CCS) to Alliant Insurance Services, Inc. for Employee Benefit Consulting Services, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of no possibility of significant effect on the environment pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the City Manager to negotiate and execute an agreement with Alliant Insurance Services, Inc. for employee benefit consulting services for the Human Resources Department. This recommended award is made as an exception to the competitive bidding process pursuant to Municipal Code section 2.24.250 (c) and is for a total amount not to exceed \$550,000 (including a \$54,320 contingency) over five years with future year funding contingent on Council budget approval.

**1427 LINCOLN
BOULEVARD**

5.F. Adoption of Resolution No. 11507 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL SUBDIVISION MAP FOR TRACT NO. 83026 TO SUBDIVIDE A PROPERTY AT 1427

LINCOLN BOULEVARD”, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of Statutory Exemption (Approval of Final Subdivision Map) pursuant to Section 15268(b)(3) of the California Environmental Quality Act.
2. Adopt the attached resolution approving Final Tract Map No. 83026 for an airspace subdivision of 30 residential condominium units and two commercial condominium units located at 1427 Lincoln Boulevard.

**PUBLIC WORKS
SOFTWARE**

5.G. Approval of Third Modification to Contract #10419 (CCS) with Infor Global Solutions for the Computerized Maintenance Management System for the Public Works Department, was approved.

Recommended Action

Staff recommends that the City Council

1. Adopt a finding of no possibility of significant effect on the environment pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the City Manager to negotiate and execute a third modification to Contract 10419 (CCS) with Infor Global Solutions for the Computerized Maintenance Management System (CMMS) agreement with the Water Resources Division for the Public Works Department. This modification is to extend the agreement for an additional two years in the amount of \$180,000, for a total amount not to exceed \$1,169,334 for a total contract term of twenty-four years.

3200 AIRPORT AVENUE

5.H. Award Bids for 3200 Airport Ave Renovation Hazmat Abatement and Adopt a Finding of Categorical Exemption Under Sections 15301, 15302, and 15308 of the California Environmental Quality Act Guidelines, was approved.

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2660 to Unlimited Environmental, Inc. for 3200 Airport Avenue hazardous material abatement services for the Public Works Department;
2. Authorize the City Manager to negotiate and execute Agreement No. 11370 (CCS) with Unlimited Environmental, Inc., in an amount not to exceed \$229,702 (including a \$38,284 contingency);
3. Award Bid #SP2660 to Unlimited Environmental, Inc. for on-call hazardous material abatement services for the Public Works

Department;

4. Authorize the City Manager to negotiate and execute Agreement No. 11371 (CCS) with Unlimited Environmental, Inc., in an amount not to exceed \$1,500,000 for three years, with two-additional one-year renewal options in the amount of \$500,000, on the same terms and conditions for a total amount not to exceed \$2,500,000 over a five-year period, with future year funding contingent on Council budget approval.
5. Award Bid #SP2660 to Castlerock Environmental, Inc. for on-call hazardous material abatement services for the Public Works Department;
6. Authorize the City Manager to negotiate and execute Agreement No. 11372 (CCS) with Castlerock Environmental, Inc., in an amount not to exceed \$1,500,000 for three years, with two-additional one-year renewal options in the amount of \$500,000, on the same terms and conditions for a total amount not to exceed \$2,500,000 over a five-year period, with future year funding contingent on Council budget approval.
7. Adopt a finding of Categorical Exemption pursuant to Sections 15301 (Existing Facilities), 15302 (Replacement/Reconstruction), and 15308 (Actions for Protection of the Environment) of the California Environmental Quality Act (CEQA) Guidelines.

CONFLICT OF INTEREST CODE

5.I. Adoption of Resolution No. 11508 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA REPEALING RESOLUTION NUMBER 11306 (CCS) AND AMENDING THE CITY'S CONFLICT OF INTEREST CODE TO REVISE THE DESIGNATED POSITIONS FOR WHICH STATEMENTS OF ECONOMIC INTEREST ARE REQUIRED TO BE FILED”, was approved.

Recommended Action

Staff recommends that the City Council update the City’s Conflict of Interest Code by adopting the proposed resolution.

HUMAN RESOURCES SOFTWARE

5.J. Approval of Revised Contract Amount for Benefit Administration Software with PlanSource for Human Resources Department, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of no possibility of significant effect on the environment pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.
2. Authorize the Procurement Manager to increase the contract amount

for the Human Resources Department with PlanSource for benefit administration software in an amount not to exceed \$336,000, which covers an overage on the previous Council budget authorization and covers future services until the anticipated end of the contract on July 1, 2023.

MINUTES

5.K. Minutes of the City Council Special Meeting - February 22, 2023, were approved.

MINUTES

5.L. Minutes of the City Council Regular and Special Joint Meeting - February 28, 2023, were approved.

SURPLUS PROPERTIES

5.B. Adoption of Resolution No. 11503 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA, CALIFORNIA, DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY LOCATED AT 1217 EUCLID STREET, 1211-1217 FOURTEENTH STREET, AND 1146 SIXTEENTH STREET QUALIFIES AS EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT BECAUSE PROPOSED FOR 100% AFFORDABLE HOUSING DEVELOPMENT AND NOT NECESSARY FOR THE CITY’S USE; AND FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TAKING RELATED ACTIONS”, was approved.

Recommended Action

Staff recommends that the City Council:

1. Declare three City-owned properties located at 1217 Euclid Street (APN 4282-004-900), 1211-1217 Fourteenth Street (APN 4282-003-900 and -901), and 1146 Sixteenth Street (APN 428-1005-900) as “exempt surplus land” as defined in Government Code Section 54221(f);
2. Adopt a Resolution declaring the City-owned properties at 1217 Euclid Street, 1211-1217 Fourteenth Street, and 1146 Sixteenth Street as exempt surplus land, and authorize the City Manager or his or her designee to take implementing actions necessary to comply with the Surplus Land Act (Government Code sections 54220 et seq.; and
3. Authorize the City Manager or his or her designee to submit the report of declared exempt surplus land as part of the Annual Report to the California Department of Housing and Community Development (HCD), in conformance with state law.
4. Adopt a finding of no possibility of significant effect on the environment pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines and find that the issuance of a Request for Proposal for affordable housing on the City-owned properties at 1217 Euclid Street, 1211-1217 Fourteenth Street, and 1146 Sixteenth Street are consistent with the certified 6th Cycle Housing

Element Environmental Impact Report.

Questions asked and answered of staff included: Will public parking still be available at the location at 1211-1217 Fourteenth Street after it is redeveloped; what is the timeline for the RFP and getting the project started; is one development team being selected for this project; what action is being taken on this tonight; what is the commitment; would parking requirements be considered a constraint on the Housing Element; does the Surplus Land Act statute also cover the creation of affordable homes for ownership; is staff considering any properties for home ownership or for a rent to own concept; are there amenities such as community rooms being considered as part of the project and will there be a time for Council to provide such direction.

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

FREEWAY MAINTENANCE

5.E. Adoption of Resolution No. 11506 (CCS) to Enter into Updated Freeway Maintenance Agreement No. 11368 (CCS) and Negotiate Delegated Maintenance Agreement No. 11369 (CCS) with Caltrans, was approved.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption (Class 1 Existing Facilities) pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt the attached Resolution authorizing the City Manager to enter into a new updated Freeway Maintenance Agreement with the California Department of Transportation (Caltrans).
3. Authorize the City Manager to negotiate and execute a Delegated Maintenance Agreement with Caltrans to obtain reimbursement for maintenance work performed by the City on State routes within City boundaries.

Questions asked and answered of staff included: Who has the responsibility for cleaning and maintaining certain areas of the off ramps on the freeway; can a list be provided of areas that are not being properly maintained that can be a part of the quarterly community cleanups; and can Councilmembers do a walk through of the areas to address maintenance

concerns that are not being performed by Caltrans that are under its purview.

Motion by Councilmember de la Torre, seconded by Councilmember Brock, 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

**PUBLIC INPUT ON
REMAINING AGENDA
ITEMS:**

Members of the public Denise Barton commented on Items 10.C., 16.A., 16.F., David Morris commented on Item 11.A., Albin Gielicz and Kara Taub on Item 16.E., Nicole Faries and Jennifer Smith on Item 16.B.

**ORDINANCES:
THIRD STREET
PROMENADE**

10.A. Second Reading and Adoption of Interim Zoning Ordinance No. 2738 (CCS) entitled “AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTION 9.10.040 ELIMINATING THE PROHIBITION ON FAST FOOD RESTAURANTS IN ESTABLISHMENTS WITH FRONTAGE ON THE THIRD STREET PROMENADE”, 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. 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

WIRELESS FACILITIES
(Mayor Davis recused at 8:12 p.m.)

10.B. Introduction and Adoption of Emergency Interim Zoning Ordinance No. 2739 (CCS) entitled “AN EMERGENCY INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO CONFIRM THE APPLICABILITY OF CERTAIN ZONING AND HEALTH AND SAFETY REGULATIONS TO WIRELESS FACILITIES SUBJECT TO SANTA MONICA MUNICIPAL CODE CHAPTER 9.32”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines.
2. Introduce and adopt an emergency Interim Zoning Ordinance to confirm the applicability of certain zoning and health and safety regulations to wireless facilities subject to Santa Monica Municipal Code Chapter 9.32, Personal Wireless Service Facilities.

Motion by Councilmember Brock, seconded by Councilmember Torosis, to adopt a finding of Categorical Exemption pursuant to Section 1503 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. The motion was approved by the following vote:

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

NOES: None

ABSENT: Mayor Davis

Motion by Councilmember Brock, seconded by Councilmember Parra, to introduce and adopted 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

NOES: None

ABSENT: Mayor Davis

ZONING

(Mayor Davis returned at 8:21 p.m.)

(Councilmember de la Torre left the dais at 8:21 p.m. and returned at 8:25 p.m.)

(Councilmember Torosis left the dais at 9:03 p.m. and returned at 9:06 p.m.)

10.C. Introduction and First Reading of an Ordinance Amending the Text of the Zoning Ordinance to Establish an Outdoor Space Program to Allow Outdoor Commercial Activity on Privately-Owned Property and Other Minor Amendments Related to Emergency Response and Economic Recovery, Including Extension of Certain Permit Timeframes; Adoption of Resolution No. 11509 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING A FEE FOR ZONING CONFORMANCE REVIEW OF OUTDOOR COMMERCIAL USES ON PRIVATE PROPERTY”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301 (Existing Facilities), 15303 (New Construction or

Conversion of Small Structures), and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines.

2. Introduce for first reading an ordinance to amend the text of the Zoning Ordinance to establish an Outdoor Space Program allowing outdoor commercial activity on privately-owned property and other minor amendments related to emergency response and economic recovery, including extension of certain permit timeframes.
3. Adopt a Resolution establishing a fee review of applications subject to the Outdoor Space Program.

Questions asked and answered of staff including do restaurants have to apply for an additional liquor license for the outdoor portion even if they are already licensed; are businesses paying a percentage of sales as well as for the additional square footage; are restaurants at the Pier using additional space in the back; can the indoor portion remain open while the outdoor portion is closed; is staff going door to door to provide outreach about the program; is Economic Development providing one on one technical assistance with the application process; is there a fee waiver program; have all personal guarantees been eliminated; can CUPs for those businesses permitted to serve alcohol be grandfathered in for spaces that closed during the pandemic; is there a time of day when the noise ordinance takes effect; does this ordinance prohibit outdoor amplified sound; will staff keep track of what actions they take in regard to administrative regulations and not make them too cumbersome; how late will the Pier be open during the summer; has it been considered to allow exceptions on amplified sound limitations for special events such as the Super Bowl; are there businesses interested in using under utilized parking lots as part of their business operation; are businesses beyond the 15 foot setback being grandfathered; and what is the wastewater payment structure.

Motion by Councilmember Brock, seconded by Mayor Pro Tem Negrete, to introduce and hold first reading of the ordinance reading by title only and waiving further reading thereof and to adopt a resolution establishing a fee review of applications subject to the Outdoor Space Program. 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 Mayor Pro Tem Negrete, seconded by Councilmember de la Torre, to direct staff to further explore the consideration of allowing other utilizations for underutilized privately owned lots that are not connected to other brick and mortar businesses. The motion was approved by

unanimous voice vote with all members present.

STAFF
ADMINISTRATIVE
ITEMS:
BOARDS AND
COMMISSIONS

11.A. Adoption of Resolution No. 11510 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING POLICIES FOR CITY BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES, AND REGIONAL ADVISORY BOARDS, AND REPEALING RESOLUTION NUMBER 11396 (CCS)”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Adopt a resolution amending the Policies for City Boards, Commissions, Committees, Task Forces, and Regional Advisory Boards, and repealing Resolution No. 11396 (CCS) and
2. Consider an attendance policy regarding board/commission members attending meetings via teleconferencing rules under the Brown Act.

Questions asked and answered of staff included why is the attendance policy from AB 2449 being proposed when the City doesn’t have the resources to implement the legislation as intended; what is the current onboarding process; have videos on demand been considered as a way to provide onboarding training; when can hybrid meetings be implemented; does Section 3 of the resolution apply to members of independently elected boards; what is the cost for implementing hybrid meetings and are there grants available; diversity outreach strategy; and when will the annual demographic report be completed.

Considerable discussion ensued on topics including, but not limited to an explanation of the memo issued by the City Attorney regarding if the City is required to provide reasonable accommodations to enable board and commission members to attend meetings; creating videos on demand for the board and commission onboarding process; the intent and language of Section 3 of the resolution; outreach for new members; and diversity training for board and commission members.

A substitute motion was made by Councilmember de la Torre and seconded by Councilmember Brock to not allow an elected official to serve on a Santa Monica City Council appointed board. The motion failed by a vote of 3-4 with Councilmembers Parra, Brock, and de la Torre voting in the affirmative and Councilmembers Zwick and Torosis, Mayor Pro Tem Negrete and Mayor Davis voting against the motion.

Motion by Mayor Davis, seconded by Mayor Pro Tem Negrete, to adopt the staff recommendation, with the exception of the attendance policy, and

clarifying that Section 3 shall state that no person shall serve on more than one Santa Monica City Council appointed board. The motion was approved by the following vote:

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

PUBLIC HEARINGS:
SUSTAINABLE CITY
PLAN

(Councilmember de la Torre left the dais at 10:34 p.m. and returned at 10:38 p.m.)

(Parra left the dais at 10:57 p.m. and returned at 10:59 p.m.)

12.A. Sustainable City Plan Update, was presented.

Recommended Action

Staff recommends that the City Council:

1. Hold a public hearing, receive public comment and accept the proposed 2022 Sustainability Rights Report pursuant to Santa Monica Municipal Code (SMMC) Chapter 12.02 Sustainability Rights.
2. Adopt an updated Sustainable City Plan with indicators and targets for 2030 and add an Equity and Inclusion Guiding Principle (Attachment A).
3. Adopt a finding of no possibility of significant effect pursuant to Section 15061(b)(3) (Common Sense Exemption) and Section 15308 (Actions for Protection of the Environment) of the California Environmental Quality Act (CEQA) Guidelines.

Members of the public Jerry Rubin and Denise Barton, spoke to the recommended action.

Questions asked and answered of staff included where are the indicators that determine outcomes the City is trying to achieve; was the drop in emissions due to the lack of traffic resulting from the COVID-19 pandemic; why are certain indicators represented in percentages rather than raw numbers and how is it helpful; why are there no targets for certain metrics; is the loss of trees on private property due to new construction and redevelopment; can a tree replacement policy be developed for every tree removed; what is the City proposing in regard to the existing building electrification roadmap and what does the roadmap look like, what buildings are affected; what stage is the plan in; how will it align with state requirements; will subsidies be available for residents to convert from natural gas to electric; what can be done to spur the growth of an urban forest in the City; what are the actions and policies that the City should focus on to achieve equity and racial justice in regards to sustainability; and what prevented reaching the walkability goal of living within a quarter mile of a grocery store.

Considerable discussion ensued on topics including, but not limited to a pilot program for transitioning from gas to electric; leveraging student

clubs at Santa Monica High School to educate and engage youth; making better efforts to increase green jobs; creating a dashboard to identify top metrics and outcomes; programs for small businesses; not using the pandemic as a baseline of progress; having a list of sustainability metrics in various City policies to demonstrate how the sustainability plan is being brought forward; the effect of development in R-1 neighborhoods on the tree canopy; grants to decrease traffic deaths; and infrastructure grants to decrease the negative health effects of wildfires.

Motion by Councilmember Torosis, seconded by Mayor Pro Tem Negrete, 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

RESOLUTIONS:
CONCEALED CARRY
FEES

14.A. Adoption of Resolution No. 11511 (CCS) entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING A CONCEALED CARRY WEAPON PERMIT FEE”, was presented.

Recommended Action

Staff recommends that the City Council:

1. Adopt the attached resolution establishing certain concealed carry weapon license fees for new applications, renewal applications, and amended licenses, setting maximum and current fees, and authorizing the charging of higher fees if State law changes. (Attachment A)
2. 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.

Questions asked and answered of staff included is it legally binding that the good cause provision be discontinued; what type of psychological evaluation is required with the renewal fee; is the number of residents that have a CCW license known; when can a carrier of a CCW license use and not use their weapon; have there been any incidents in Santa Monica; will background and psychological checks include calls and proclivities to domestic violence; does the City have control over where CCW carriers can bring their weapons; what is the proposed fee the City is proposing; is there any authority to charge a higher fee.

Considerable discussion ensued on topics including, but not limited to is it

legally binding to drop the clause; what kind of psychological evaluation is involved with the renewal process; do we know how many licenses are in Santa Monica; when is it legal or illegal to reveal a weapon; has anyone in the City of Santa Monica been involved with pulling out their concealed weapon; would contact with law enforcement be included in the review process pertaining to domestic violence; would proclivity be involved in a domestic violence situation as part of the psychological exam; can the City limit where a CCW be carried; and does the City have any authority to charge a higher fee.

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

COUNCILMEMBER
DISCUSSION ITEMS:
LEAFBLOWERS

16.A. Request of Councilmembers Zwick and Brock to ask the City Attorney and City Manager to return to City Council with amendments and updates to the Municipal Code to prohibit gasoline powered leaf blowers, allowing for electric leaf blowers and enhancing enforcement of the prohibition on gas powered leaf blowers. Also, request the City Manager to return with potential funding sources to incentivize conversion to electric leaf blowers. A draft ordinance amendment is attached, was presented.

Motion by Councilmember Zwick, seconded by Councilmember Brock, to adopt the recommendation. The motion was approved by voice vote with Councilmembers de la Torre, Torosis, Brock, Zwick, and Mayor Pro Tem Negrete voting in the affirmative and Councilmember Parra and Mayor Davis voting against the item.

SAMOHI GRAD NITE

16.B. Request of Mayor Davis and Mayor Pro Tem Negrete that the City Council allocate \$10,000 of discretionary funds to Samohi Grad Nite, a 501(c)3, to enable over 165 low-income students to attend. This would close the shortfall between previous City funding allocated as part of the annual budget and the organization's expenses for June 2023. For over 30 years, Grad Nite has provided a safe, secure venue for graduating Santa Monica High School seniors to celebrate their achievements, was presented.

Motion by Mayor Pro Tem Negrete, seconded by Councilmember Brock, to adopt the 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

PRIDE ACTIVITIES

16.C. Request of Mayor Davis and Councilmember Zwick that the Council allocate \$10,000 of its discretionary funds to support Pride activities this year. Organizers are working with the Pier, Downtown Santa Monica, Santa Monica Travel and Tourism, and Santa Monica Place to return Pride activities to the City sometime in June. Current plans are for a one-day, family-friendly celebration with installations in Downtown Santa Monica, at the Pier, and Santa Monica Place. Total budget for the event presently is \$30,000-\$40,000 and a \$10,000 contribution will allow the City to be a sponsor of the event. Other organizations are contributing similar amounts as part of their sponsorship, was presented.

Motion by Councilmember Zwick, seconded by Mayor Pro Tem Negrete, to adopt the recommendation. 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

SANTA MONICA ANIMAL SHELTER FOUNDATION

16.D. Request of Mayor Davis and Councilmember Torosis that the City Council allot \$10,000 of its discretionary funds to the Santa Monica Animal Shelter Foundation. The funds will be used to help create a proper turfed play area for dogs at the Santa Monica Animal Shelter. The shelter needs a proper area where dogs can play and exercise and interact with potential adopters and shelter volunteers. Currently, the play area is all dirt which makes it unusable and unpleasant much of the time and it has repeatedly flooded in recent rains. Creating a properly turfed area will greatly benefit shelter dogs' wellbeing while waiting for their forever home. The estimated total cost of the project is \$30,000 and the Foundation plans to seek private donations for the additional monies needed to complete the project, was presented.

Motion by Mayor Davis, seconded by Councilmember Torosis, to adopt the 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

**MONTANA AVENUE
MERCHANTS
ASSOCIATION ART
WALK**

16.E. Request of Mayor Davis and Mayor Pro Tem Negrete that the City Council allocate up to \$10,000 of their Discretionary Funds to the Montana Avenue Merchants Association, a 501 (c) (3) for their annual Art Walk that is planned for September 30, 2023. The Art Walk is a one-day outdoor art festival that takes place along the Montana Ave. business corridor, from 6th - 17th Streets. The event includes performance artists, live music, and interactive art activities for children and adults. Art Walk has been an annual event for the past 10 years and has become one of Montana Avenue's signature events. The funding will be used to offset costs related to supporting an enhanced and expanded event including the costs associated with potentially closing portions of Montana Avenue, was presented.

Motion by Mayor Pro Tem Negrete, seconded by Councilmember Torosis, to adopt the recommendation. 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

1318-1320 4TH STREET

16.F. Request of Councilmember de la Torre and Mayor Pro Tem Negrete to determine the costs to improve the vacant lot at 1318-1320 4th Street to allow for sustained parking and other uses until development of the affordable housing project designated for the property commences, was withdrawn.

**ARCHITECTURAL
REVIEW BOARD**

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

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

Edward Scott was voted by acclamation – unanimous vote in their favor.

**DISABILITIES
COMMISSION**

16.H. Recommendation to accept Evan Nicholas' resignation from the Disabilities Commission and authorize the City Clerk to publish the vacancy, was presented.

Motion by Mayor Davis, seconded by Councilmember Negrete, to accept the resignation with regret.


The motion was approved by a unanimous voice vote, with all members present.

ADJOURNMENT

On order of the Mayor, the City Council meeting adjourned at 12:58 a.m. in

memory of Jerry Manpearl and Peter Provenziale.

ATTEST:

DocuSigned by:

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Nikima S. Newsome
Assistant City Clerk

APPROVED:

DocuSigned by:

8FE4004DAD0B40B...

Glean Davis
Mayor