

CITY OF SANTA MONICA
SPECIAL CITY COUNCIL MINUTES

SEPTEMBER 13, 2005

A special meeting of the Santa Monica City Council was called to order by Mayor Pro Tem Katz at 5:13 p.m., on Tuesday, September 13, 2005, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Pro Tem Herb Katz
 Councilmember Richard Bloom
 Councilmember Ken Genser
 Councilmember Robert T. Holbrook
 Councilmember Kevin McKeown
 Councilmember Bobby Shriver

Absent: Mayor Pam O'Connor

Also Present: City Manager Susan McCarthy
 City Attorney Marsha Jones Moutrie
 City Clerk Maria M. Stewart

CONVENE/PLEDGE On order of the Mayor Pro Tem, the City Council convened at 5:13 p.m., with Mayor O'Connor absent. Councilmember Ken Genser led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS: There was no one present for public comment.

On order of the Mayor Pro Tem, the City Council recessed at 5:14 p.m., to discuss closed sessions and reconvened at 7:15 p.m., with Mayor O'Connor absent, to report the following;

2-A: Conference with Labor Negotiator.

City Negotiator: Karen Bancroft, Director of Human Resources

Bargaining Units: Administrative Team Association (ATA)
 Executive Pay Plan
 Public Attorney's Legal Support Staff Union (PALSSU).
 Management Team Associates (MTA)
 Municipal Employees Association (MEA)

**Public Attorneys Union (PAU)
Santa Monica Police Officers Assn. (POA)
United Transportation Union (UTU)**

ACTION: Heard. No reportable action taken.

2-B: Conference with Legal Counsel - Existing Litigation: City of Santa Monica v. Baron & Budd, P.C., Case No. BS 315 186.

ACTION: Not heard.

2-C: Conference with Legal Counsel - Existing Litigation: City of Santa Monica v. City of Los Angeles (Playa Capital Company, Real Party in Interest), Case No. BS 093 502.

ACTION: Not heard.

2-D: Conference with Legal Counsel - Existing Litigation: Russell Barnard v. City of Santa Monica, Case No. BC 281 367.

ACTION: Not heard.

2-E: Conference with Legal Counsel - Existing Litigation: Coalition for a Livable Santa Monica v. City of Santa Monica, Case No. SS 013 463.

ACTION: Heard. No reportable action taken.

2-F: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): one case, including a dispute related to real property located at 1522 6th Street.

ACTION: Not heard.

CONSENT CALENDAR: Members of the public Joey Fullmer, Joe Natoli and Pro Se expressed various concerns.

At the request of Councilmember McKeown, Item 1-A was removed from the Consent Calendar.

At the request of Councilmember Shriver, Items 1-M and 1-N were removed from the Consent Calendar.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to approve the Consent Calendar, with the exception of Items 1-A, 1-M, and 1-N, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver,
Genser, Mayor Pro Tem Katz
NOES: None
ABSENT: Mayor O'Connor

2702 ARIZONA

1-B: **Resolution No. 10063 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 27110 TO SUBDIVIDE A PROPERTY FOR A 3-UNIT CONDOMINIUM PROJECT AT 2702 ARIZONA AVENUE", was adopted.

403-405 IDAHO

1-C: **Resolution No. 10064 entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 060641 TO SUBDIVIDE A PROPERTY FOR A 2-UNIT CONDOMINIUM PROJECT AT 403-405 IDAHO AVENUE," was adopted.

PLANNING SERVICES

1-D: **Contract amendment for additional Planning Department services** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8501 (CCS) (previously Contract No. 1130) with Civic Solutions, Inc., in the amount of \$106,440. for additional planning services required by the Planning Division, was approved.

RAPID 3 BUS SHELTERS

1-E: **Rapid 3 Bus Shelters** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8502 (CCS) (previously Contract No. 1139) with Amphion, Inc., in the amount of \$142,900, to complete the technical designs, preparation of construction documents, and permit coordination services for the Rapid Bus shelters at several locations, was approved.

CHARNOCK WELL

1-F: **Consulting services for restoration of drinking water production from the Charnock Well Field** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8503 (CCS) with Environ International Corporation, in the amount of \$5,867,898, for field consulting services to the City and Charnock Engineering Committee to restore drinking water production.

GARDEN PROJECT

1-G: Grant funds for water-efficient Garden Project outreach – recommendation to authorize the City Manager to negotiate and execute Contract No. 8504 (CCS) with the Metropolitan Water District of Southern California (MWD) to accept and appropriate a \$25,000 City Makeover Next Step Grant to continue educational programs centered around the *garden\garden* demonstration project; and appropriate grant funds and approve budget changes as proposed, was approved.

DEMOLITION - FORMER POLICE BUILDING

1-H: Rehabilitation phase of demolition for former Police Building - recommendation waive competitive bid procedures and authorize the City Manager to negotiate and execute Contract No. 8505 (CCS) with ROD Builders, Inc., in the amount of \$343,000, for the rehabilitation phase of the demolition project, was approved.

851 19TH STREET

1-I: Statement of Official Action - 851 19th Street - recommendation to approve Statement of Official Action taken on appeal for denial of Vesting Tentative Parcel Map No. 061408 for an airspace subdivision at 851 19th Street for the purpose of constructing four new residential condominium units, was approved.

ALCOHOL LICENSES

1-J: Resolution No. 10065 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO COMMENT TO THE CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL ON THE TRANSFER OF EXISTING OFF-SALE ALCOHOL LICENSES", was adopted.

HAZARDOUS WASTE

1-K: Hazardous waste management and transportation services – recommendation to award Bid No. 2890 to PSC Rho-Chem, with an estimated annual expenditure of \$200,000, to provide hazardous waste management and transportation services, was approved.

HYBRID-ELECTRIC SHUTTLE BUSES

1-L: Purchase of hybrid-electric shuttle buses – recommendation to authorize the City Manager to negotiate and execute sole-source Contract No. 8506 (CCS) with E-Bus, Inc., in the amount of \$1,875,432, for the purchase of five plug-in, hybrid-electric shuttle buses, was approved.

FINANCIAL SERVICES

1-O: Contract for financial services – recommendation to authorize the City Manager to negotiate and execute Contract No. 8507 (CCS) with Kelling, Norcross & Nobriga, and Contract No. 8508 (CCS) with CSG Advisors, for the provision of financial advisory services for the City, the Redevelopment Agency, and the Parking Authority, was approved.

MINUTES

1-A: **Approval of minutes** June 21, July 26, and August 9, 2005, City Council meetings.

Councilmember McKeown advised he removed this Item from the Consent Calendar because he was absent from the meetings and wanted to abstain on the vote.

Motion by Councilmember Genser, seconded by Councilmember Shriver, to approve the minutes as submitted. The motion was approved by voice vote, with Councilmember McKeown abstaining and Mayor O'Connor absent.

AIRPORT LANDING FEE

1-M: **Santa Monica Airport Landing Fee Program** – recommendation to authorize the City Manager to negotiate and execute a contract with Palmer & Dodge, LLP, for legal services related to the resolution of the Landing Fee Program and to assist in future discussions with the FAA regarding airport operational issues.

LEGAL SERVICES

1-N: **Contract for legal services** – recommendation to authorize the City Manager to negotiate and execute an agreement with Kane, Ballmer & Berkman, for legal services on behalf of the City, the Redevelopment Agency, and the Parking Authority.

Councilmember Shriver requested to address Items 1-M and 1-N concurrently. Councilmember Shriver stated that he removed these items from the Consent Calendar to propose that caps be placed on the contract so they would not be open ended.

Discussion ensued. It was the consensus of Council that Items 1-M and 1-N be continued to September 27, 2005, and that staff modify the report with appropriate language.

SPECIAL ITEMS:

4-A: **Presentations and update regarding homeless services, including Housing and Urban Development Grant Award, Westside Shelter and Hunger Coalition Success Breakfast, and new services model that provides immediate access to housing.**

Presentations were made and the grant award was presented to the City. The Mayor Pro Tem accepted the check on behalf of the City.

ORDINANCES:

7-A: Second reading and adoption of Ordinance No. 2168 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING SECTION 9.04.18.040 OF THE MUNICIPAL CODE TO ALLOW EXISTING COMMERCIAL AND INDUSTRIAL USES TO RENEW CONDITIONAL USE PERMITS THAT DO NOT CONTAIN TIME LIMITS," was presented.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem Katz, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES: Councilmembers Genser, Shriver, Holbrook, McKeown, Bloom, Mayor Pro Tem Katz
- NOES: None
- ABSENT: Mayor O'Connor

FENCES, WALLS, AND HEDGES

7-B: Second reading and adoption of Interim Ordinance No. 2169 (CCS) entitled: "AN INTERIM ORDINANCE OF THE CITY OF SANTA MONICA EXTENDING AND ADJUSTING THE MODIFICATIONS TO FENCE, WALL AND HEDGE STANDARDS, INCLUDING CHANGES TO THE HEDGE DEFINITION, ALLOWABLE HEDGE HEIGHTS, DEFINED FRONT YARD AREA, FRONT YARD ORNAMENTAL STRUCTURES, FRONT YARD SAFETY GUARDRAILS, AND TERRACED WALLS; GRANDPARENTING EXISTING NONCONFORMING HEDGES, FENCES, AND WALLS, AND ESTABLISHING ADMINISTRATIVE AND DISCRETIONARY HEIGHT MODIFICATION PROCEDURES," was presented.

Motion by Councilmember McKeown, seconded by Councilmember Shriver, to adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

- AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver, Genser, Mayor Pro Tem Katz
- NOES: None
- ABSENT: Mayor O'Connor

UNATTENDED STRUCTURES - PALISADES PARK

7-C: Introduction and first reading of an ordinance Amending Section 4.55.060 of the Municipal Code relating to the erection of unattended structures in Palisades Park, was introduced.

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Councilmember Bloom, to introduce the ordinance for first reading, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver,
Genser, Mayor Pro Tem Katz
NOES: None
ABSENT: Mayor O'Connor

**DEVELOPMENT AND
DESIGN STANDARDS**

7-D: Introduction and first reading of an ordinance modifying the development, design, and application review standards and thresholds for projects developed within the BSCD, C3, and C3C Zoning Districts, including but not limited to building heights, setback and stepback requirements, design standards and guidelines for building streetfronts, sidewalls, parking access, and courtyards, and eliminating the design compatibility permit for condominiums and administrative approvals, was presented.

The following members of the public spoke to various aspects of the proposed ordinance:

Joey Fullmer, Brian Hutchings and M. Ross expressed various concerns; Eileen Fraser and Doug Singletary spoke of the effects of the proposal on houses of worship; Joan Charles and Michael Folonis spoke in support of changes to the proposed ground floor heights, minimizing or eliminating landscape requirements; curb cuts, reducing parking requirements and emphasizing the difference between ground and upper floors; Kathleen Rawson spoke against the proposed standards as being too rigid; Darrel Clark spoke in support of more notice and time for review of the proposal by the Planning Commission; Matt Baird spoke in support of current standards and against the proposal; Chris Harding spoke in general support and provided suggestions for changes; Chuck Allord, Arthur Harris, Jeff Siegel and Ellen Brennan spoke in opposition of the proposal; Allen Freeman and Craig Jones spoke in support of the proposal; David Kaplan spoke in support of historic structures.

Motion by Councilmember Bloom, to approve staff recommendation, amended to eliminate from proposal language relating to courtyards, open space and solar access. Motion died for lack of a second.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to restrict discussion to the five points raised by ARB Chair, Ms. Charles, including: raising ground floor to accommodate retail space; emphasize

difference in design between exterior ground floor and upper floors; minimize/eliminate landscaping requirements; make parking accessible from alley with curbcuts; and relax parking requirements for smaller spaces.

Councilmember Genser suggested adding to the discussion giving the appropriate entity (ARB or Planning Commission) discretion and/or authority to alter envelopes when they impact adjacent historical resources. The maker and seconder of the motion accepted Councilmember Genser's suggestion as a friendly amendment.

The motion, as amended, was approved by voice vote, with Mayor Pro Tem Katz in opposition and Mayor O'Connor absent.

Motion by Councilmember Genser, seconded by Councilmember Bloom, to adopt standards of 18-feet for ground floor height on and around the 3rd Street Promenade, and 15-feet elsewhere. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to emphasize through design, different material, change in planes and the like, the difference between exterior ground floor and upper floors. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

Motion by Councilmember Bloom, seconded by Councilmember Genser, to eliminate curbcuts by providing for alley access. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to minimize or eliminate landscaping requirements to avoid retail windows being blocked by plantings or impede pedestrian orientation. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

Motion by Councilmember Bloom, seconded by Mayor Pro Tem Katz, to direct staff to return with language to minimize or eliminate parking for small sites, with a cap on the small sites. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

Motion by Councilmember Genser, seconded by Councilmember Bloom, to direct staff to respond to the concerns expressed related to setbacks adjacent to historical structures. The motion was unanimously approved, with Mayor O'Connor absent.

Motion by Councilmember Bloom, seconded by Councilmember McKeown, to direct staff to look at the issue of requirements for houses of worship. The motion was unanimously approved, with Mayor O'Connor absent.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to remand the seven items voted upon above to staff, and to return with a proposed ordinance at a future meeting. The motion was unanimously approved, with Mayor O'Connor absent.

LIBRARY BONDS

7-E: Introduction and adoption of Ordinance No. 2167 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA SETTING THE FY2005-06 TAX RATE FOR THE 1990 AND 2002 LIBRARY GENERAL OBLIGATION BONDS," was presented.

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Councilmember Bloom, to introduce and adopt the ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Genser, Shriver, Holbrook, McKeown, Bloom, Mayor Pro Tem Katz

NOES: None

ABSENT: Mayor O'Connor

BUS-ONLY LANE - LINCOLN BLVD.

7-F: Introduction and first reading of an ordinance restricting parking along Lincoln Boulevard for the creation of a bus-only lane during peak traffic periods, was presented.

Members of the public Francisca Porchas, Darrell Clarke, Jerry Rubin, Diane Forte, Terry O'Day, Allen Freeman, Zack Beatty and Denny Zane spoke in support of the proposal.

Member of the public Chuck Allord spoke in opposition to the proposed ordinance.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to introduce ordinance and direct staff to research the possibility of having "Bike Okay" signage on the bus-only lane as mentioned during public

comment. The motion was approved by the following vote:

AYES: Councilmembers Genser, Shriver, Holbrook, McKeown,
Bloom, Mayor Pro Tem Katz

NOES: None

ABSENT: Mayor O'Connor

STAFF ITEMS:
1550 BEACH
PARKING LOT

8-A: **Proposed modification to policies and guidelines for extended licensing of portion of the 1550 beach parking lot - recommendation to approve modifications to the policies and guidelines for the 1550 lot to generate revenue to the Beach fund during the off-season, was presented.**

Member of the public David Newberg expressed concerns regarding possible negative effects this action may have on nearby residents.

Discussion ensued on uses of the lot and the effects on residents living nearby.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to direct staff to conduct outreach with the affected residents and return at the next Council meeting. The motion was unanimously approved by voice vote, with Mayor O'Connor absent.

MAIN STREET AND
PICO IMPROVEMENT
DISTRICTS

8-B: **Fiscal services for the Main Street Business and the Pico Boulevard Business Improvement Districts - recommendation to authorize the City Manager to terminate contracts with the Valley Economic Development Center for fiscal services for the Main Street and the Pico Boulevard business improvement districts, and to negotiate and execute contracts with the Main Street Business Improvement Association for administration of its funds, and with Weil & Company for the administration of the Pico Improvement Organization funds, was presented.**

Member of the public Gary Gordon spoke in support of the recommendation.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to approve staff recommendation. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver,
Genser, Mayor Pro Tem Katz

NOES: None

ABSENT: Mayor O'Connor

**PRC ANNUAL PLAN
AND BUDGET**

8-C: Approval of Santa Monica Pier Restoration Corporation Annual Budget and corresponding Plan of Work for Fiscal Year 2005/06, was presented.

There was no one present for public comment.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve staff recommendation. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver,
Genser, Mayor Pro Tem Katz
NOES: None
ABSENT: Mayor O'Connor

**BAYSIDE DISTRICT
BUDGET AND
MARKETING PLAN**

8-D: Approval of Bayside District Corporation's Operations and Marketing Plan and budget for Fiscal Year 2005-06, was presented.

Member of the public Joe Natoli spoke in opposition to the recommendation. Members of the public Aneeta Sugar, David Ganor, Sylvia Espinoza, Morgan Diolot, Maya Liberman, Tomer Cohen, and Doron Meidor expressed concerns regarding the new cart program.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve staff recommendation. The motion was approved by the following vote:

AYES: Councilmembers Bloom, McKeown, Holbrook, Shriver,
Genser, Mayor Pro Tem Katz
NOES: None
ABSENT: Mayor O'Connor

**WRITTEN REQUESTS:
RANKED VOTING**

12-A: Request of Amy Connolly, representing Santa Monica Ranked Voting, that Council direct staff to study the feasibility of adopting and implementing ranked voting, when used to fill more than one seat, for Santa Monica's municipal elections, was presented.

Members of the public Freida Dubin, Kelly Hayes-Raitt, Zack Beatty, David Holtzman, Ryan Flegal, Linda Piera-Avila, Jerry Rubin, Charley Luv Colbert, Ana Maria Jara, Mike Feinstein, Ferris Kavar, and Edith Mendez spoke in support of the request.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to direct staff to conduct an incremental study, monitor the San Francisco election in November, keep in touch with other interested parties and monitor on-going legislation. The motion was approved by voice vote, with Councilmember Holbrook voting in opposition, and Mayor O'Connor absent.

COUNCIL ITEMS:
APPOINTMENTS

13-A: Annual and special vacancy appointments to the following boards and commissions:

SENIOR COMMUNITY

Commission for the Senior Community - one special vacancy for a term ending June 30, 2007.

On order of the Mayor Pro Tem, this matter was continued to September 27, 2005.

**SOCIAL SERVICES
COMMISSION**

Social Services Commission - one annual vacancy for a term ending June 30, 2009.

The Mayor Pro Tem opened the floor for nominations.

Councilmember Bloom nominated Michelle Sorranti Christiansen. There being no other nominations, Ms. Sorranti was appointed by acclamation, with Mayor O'Connor absent.

**DISABILITIES
COMMISSION**

13-B: Appointment to one special vacancy on the Disabilities Commission for a term ending June 30, 2007.

On order of the Mayor Pro Tem, this matter was continued to September 27, 2005.

**LANDMARKS
COMMISSION**

13-C: Appointment to one special vacancy on the Landmarks Commission for a term ending June 30, 2008.

The Mayor Pro Tem opened the floor for nominations.

Councilmember McKeown nominated Ruth Shari being no other nominations, Ms. Shari was appointed by acclamation, with Mayor O'Connor absent.

AB352

13-D: Request of Councilmember Bloom that Council support AB352 (Koretz) Firearm Microstamping.

On order of the Mayor Pro Tem and at the request of Councilmember Bloom, the request was withdrawn.

HURRICANE KATRINA

Councilmember Shriver was excused at 12:25 a.m.

13-E: Request of Councilmember Bloom and Councilmember Holbrook that Council direct staff to investigate and return with information and recommendations regarding lessons learned from the Hurricane Katrina disaster and report (on September 13, 2005) as to current circumstances in the affected areas including relief efforts and various means by which Santa Monicans have provided and can still provide assistance, was presented.

Motion by Councilmember Bloom, seconded by Councilmember Holbrook, to direct staff to continue to investigate as to lessons learned and periodically return with information as to lessons learned and what we can do to improve our response to emergencies; paying attention to those residents that may be most affected and may have the least resources. The motion was unanimously approved by voice vote, with Mayor O'Connor and Councilmember Shriver absent.

**PROPOSITIONS 74, 75,
AND 76**

13-F: Request of Councilmember McKeown that the Council strongly oppose Propositions 74, 75 and 76 on the November 8th California special election ballot, urging Santa Monicans to register and vote to protect the educational gains made by our School District with the support of the City.

Member of the public Jeff Krenian spoke in support of the request.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to approve request. The motion was unanimously approved by voice vote, with Mayor O'Connor and Councilmember Shriver absent.

PUBLIC INPUT:

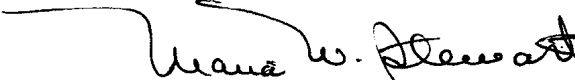
Members of the public Brian Hutchings and Joe Natoli expressed various concerns.

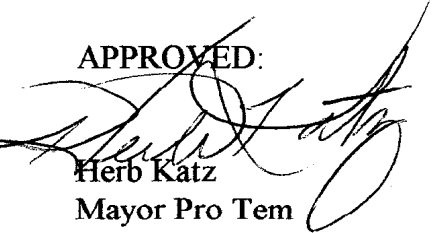
ADJOURNMENT:

On order of the Mayor Pro Tem, the City Council meeting was adjourned at 12:45 a.m., in memory of the victims of the 9/11 terrorist attack and of Hurricane Katrina.

ATTEST:

APPROVED:


Maria M. Stewart
City Clerk


Herb Katz
Mayor Pro Tem