

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

SEPTEMBER 27, 2005

A special meeting of the Santa Monica City Council was called to order by Mayor O'Connor at 5:39 p.m., on Tuesday, September 27, 2005, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Pam O'Connor
Mayor Pro Tem Herb Katz
Councilmember Richard Bloom
Councilmember Ken Genser
Councilmember Robert T. Holbrook
Councilmember Kevin McKeown

Absent: Councilmember Bobby Shriver

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

CONVENE/PLEDGE On order of the Mayor, the City Council convened at 5:39 p.m., with Councilmember Shriver absent. Councilmember McKeown led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS: On order of the Mayor, the City Council recessed at 5:40 p.m., to hear closed sessions, and returned at 6:50 p.m., with Councilmembers Bloom and Shriver absent, to report the following:
Councilmember Bloom was excused at 6:50 p.m.

2-A: **Public Employee Evaluation.**
Title of Employee: City Clerk

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: Heard. No reportable action taken.

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

ACTION: Heard. No reportable action taken.

2-D: 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.

**2-E: Conference with Labor Negotiator.
City Negotiator: Karen Bancroft, Director of Human Resources
Bargaining Units: Public Attorney's Union (PAU).**

ACTION: Heard. No reportable action taken.

CONSENT CALENDAR: Member of the public Pro Se pointed out that minutes of the September 13th meeting, under the 13-items, indicate that the Mayor was present, when in fact, the Mayor was absent from the meeting. Member of the public Joey Fullmer expressed various concerns.

Mayor Pro Tem Katz requested that Item 1-A be removed from the Consent Calendar. Councilmember McKeown requested Item 1-B be removed from the Consent Calendar.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve the Consent Calendar, with the exception of Items 1-A and 1-B, reading resolutions by title only and waiving further reading thereof:

AYES: Councilmembers McKeown, Holbrook, Genser, Mayor Pro Tem Katz, Mayor O'Connor

NOES: None

ABSENT: Councilmembers Bloom, Shriver

LEGAL SERVICES

1-C: Contract for legal services – recommendation to authorize the City Manager to negotiate and execute Agreement No. 8512 (CCS) with Kane, Ballmer & Berkman, for legal services on behalf of the City, the Redevelopment Agency, and the Parking Authority, and supplemental report, was approved

TAX AUDITING SERVICES

1-D: **Sales and use tax auditing services** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8513 (CCS) with Hiderliter, de Llamas and Associates to provide sales and use tax auditing and information reporting services, was approved.

914 5th STREET

1-E: **Final Parcel Map No. 26933 for 914 5th Street** - recommendation to adopt Resolution No. 10066 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR COMPLETION OF PUBLIC IMPROVEMENTS," was approved.

CAFE - MAIN LIBRARY

1-F: **The Bookmark Café at the new Main Library** - recommendation to authorize the City Manager to negotiate and execute Concession Agreement No. 8514 (CCS) with G.W. Inc., d.b.a. The Bookmark Café, to operate a concession at the new Main Library, was approved.

MINUTES

1-A: **The minutes** of the September 13, 2005, City Council meeting, were presented.

Mayor Pro Tem Katz advised he removed the minutes due to the comments made during public comment.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve the minutes, amended to correct the term "Mayor" to "Mayor Pro Tem" as applicable to reflect the Mayor's absence from the meeting.

The minutes were unanimously approved by voice vote, as amended, with Councilmembers Bloom and Shriver absent.

AIRPORT LANDING FEE PROGRAM

1-B: **Santa Monica Airport Landing Fee Program** – recommendation to authorize the City Manager to negotiate and execute Contract No. 8511 (CCS) 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, and supplemental report, was presented.

Councilmember McKeown advised he removed this matter from the Consent Calendar to clarify whether this firm will be pursuing future discussions with the FAA relative to safety issues of the runway, including the Airport Runway Safety area.

Staff responded to questions from Councilmembers.

Motion by Councilmember McKeown, to adopt staff recommendation with direction of assertive pursuit of the City's interest in this.

Councilmember Genser asked for a friendly amendment, that because of the potential litigation involved in this matter, staff brief the City Council at the next Council meeting. The request was accepted as friendly.

The motion died for lack of a second.

Motion by Councilmember Genser, seconded by Mayor O'Connor, to approve staff recommendation. The motion was approved by the following vote:

AYES: Councilmembers Genser, Holbrook, Mayor Pro Tem Katz,
Mayor O'Connor
NOES: Councilmember McKeown
ABSENT: Councilmembers Bloom, Shriver

Councilmember McKeown, stated for the record, that he voted in opposition due to his concern for the safety of residents, and that Council should have given stronger direction.

STUDY SESSION:
LAND USE AND
CIRCULATION
ELEMENTS

3-A: Presentation, discussion, and request for direction to staff regarding the Opportunities and Challenges Report prepared as part of Land Use and Circulation Elements (Shape the Future 2025 and Motion by the Ocean) Project. The comprehensive Report sets forth broad policy questions and focus areas that will be the bases of future study and includes information related to Santa Monica's community character; land use; transportation; environmental resources; population, labor force, and economic trends; urban design; and related theories, was presented.

*Councilmember Bloom
returned at 9:00 p.m.*

The following members of the public discussed concerns and issues, and provided ideas and suggestions on various subjects including but not limited to traffic congestion, development, building heights, sustainability, rent control protection, quality of life, long-term planning for the municipal airport, historic resources, child care, density, the City's growing population, parking, and preservation: Joey Fullmer, Pro Se, Virginia Palmer, Patti Oblath, Darrell Clarke, John Zinner, Jerry Rubin, Arlene Hopkins, Jeanne Laurie, Peter Dawson, Tom Sorter, Phyllis Sorter, Sue Miller, Phil Harnage, Maria Jensen, Matt Baird, Zelia Mollica, John Reynolds, Lorraine Sanchez, Zina Josephs, Arthur Harris, Marshall

Williams, Jenny Navarro, Eileen Brennan, Kris Jensen, Emmalie Hodgins, Britt Alcroft, Joan Charles, Jackie Saltman, Christian Boyce, Francis Christopher, Jacob Samuels, Gary Gorda, Bob Baylor, Grace Phillips, A. Halcomb, Nina Fresco, Joel Brand, Kristina Deutsch, Sherrill Kushner, Roger Genser, Linda Rider, Charlie Bunin, Lynn Leavitt, Shari Davis, Jennifer Sharpe, Barry Casilly, Jan Ludwinski, Lori Nafshun, Sandy Grant, Denny Zane, Maria Loya, and Jeanne Dodson.

Discussion ensued on the issues contained in the report and the concerns expressed by members of the public. General direction was given to staff on general aspects of the Land Use and Circulation elements. On order of the Mayor, the information was received and filed.

ORDINANCES:
UNATTENDED
STRUCTURES

7-A: Second reading and adoption of Ordinance No. 2170 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING SECTION 4.55.060 OF THE MUNICIPAL CODE RELATING TO THE ERECTION OF UNATTENDED STRUCTURES IN PALISADES PARK, was presented.

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

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

BUS-ONLY LANE

7-B: Second reading and adoption of Ordinance No. 2171 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA RESTRICTING PARKING ALONG LINCOLN BOULEVARD FOR THE CREATION OF A BUS-ONLY LANE DURING PEAK TRAFFIC PERIODS," was presented.

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

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

**DEVELOPMENT
STANDARDS**

7-C: Introduction and first reading of an interim ordinance modifying, extending, and adjusting the interim modifications to the development standards for parcels in the R-1 districts located in the Sunset Park and North of Wilshire Neighborhoods, including adding an administrative review process for developments on sloping parcels and modifying standards related to balconies and covered porches in the front yard setback.

On order of the Mayor, this matter was continued to a future meeting..

**SEXUALLY-ORIENTED
BUSINESSES**

7-D: Introduction and first reading of an ordinance amending Chapter 9.44 of the Municipal Code relating to sexually-oriented businesses, including but not limited to, sexually-oriented business definitions, location and spacing requirements, application processing and conditions of approval, signage restrictions, amortization, judicial review, and restrictions on sale and transfer.

On order of the Mayor, this matter was continued to a future meeting.

**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 proposed.

Member of the public Joe Natoli discussed the revenue related to this action. Members of the public Joel Brand and Jerry Rubin spoke in support of the proposal. Member of the public Mitchell Lachman spoke in opposition to providing more parking and creating more traffic problems.

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

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

**ADELPHIA-TIME
WARNER TRANSFER**

8-B: Update on due diligence analysis related to the Adelphia transfer to Time Warner for cable television services and resolution denying without prejudice applications for transfer.

On order of the Mayor, and at the request of staff, this matter was withdrawn from consideration.

**MESSAGE
REGULATIONS**

8-C: Proposals for updating the City's massage regulations and request for direction.

On order of the Mayor, this matter was continued to a future meeting.

**COUNCIL ITEMS:
SENIOR COMMUNITY
COMMISSION**

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

On order of the Mayor, this matter was continued to a future meeting.

**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, the floor was opened for nominations.

Mayor Pro Tem Katz nominated Richard Hilton, at the request of the Disability Commission due to the fact that Mr. Hilton, when he resigned recently, was not aware he could have taken a medical leave of absence instead.

There being no other nominations, Mr. Hilton was unanimously appointed by voice vote, with Councilmember Shriver absent.

**STATUS OF WOMEN
COMMISSION**

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

On order of the Mayor, this matter was continued to a future meeting.

RESIGNATION

13-D: Acceptance of Wilfred K. C. Lee's letter of resignation from the Social Services Commission, and authorization for City Clerk to publish vacancy, was presented.

Motion by Councilmember Bloom, seconded by Councilmember Genser, to accept resignation with regrets and authorize the City Clerk to publish the vacancy. The motion was unanimously approved by voice vote, with Councilmember Shriver absent.

PUBLIC WORKSHOP

13-E: Request of Mayor Pro Tem Katz to designate a schedule for Council Member attendance at the two day public workshop on 415 PCH October 1 and 2, was presented.

Discussion ensued. On order of the Mayor, and with the consensus of Council, a schedule was approved for Councilmembers to attend the workshop.

REQUEST FOR PROPOSALS - POLICY

13-F: Request of Mayor Pro Tem Katz that Council discuss philosophy relative to the Request for Proposals (RFP) for the beach concessions and Council's goal to have small businesses as opposed to large entities. There are rather high financial expectations in the RFP, was presented.

Members of the public Jerry Rubin, Joe Natoli and Mike Feinstein spoke in support of the request.

Discussion ensued on the merits of the request and on current city processes. After considerable discussion, it was the consensus of Council to direct staff to place on a future agenda a discussion on the general philosophy of leasing city assets including concessions to existing operators, and encouraging small businesses.

PUBLIC INPUT

Members of the public Joe Natoli and Art Casillas discussed various issues and concerns.

ADJOURNMENT:

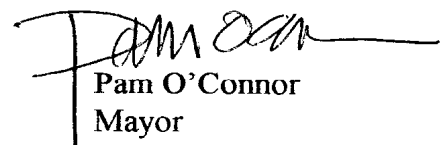
On order of the Mayor, the City Council meeting was adjourned at 11:42 p.m.

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Pam O'Connor
Mayor