

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**NOVEMBER 22, 2005**

A regular meeting of the Santa Monica City Council was called to order by Mayor O'Connor at 5:45 p.m., on Tuesday, November 22, 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  
Councilmember Bobby Shriver (arrived at 7:00 p.m.)

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 5:45 p.m., with Councilmember Shriver absent. Councilmember Holbrook led the assemblage in the Pledge of Allegiance.

**CONSENT CALENDAR:** Member of the public Pro Se spoke in support of Item 1-D. Member of the  
**MINUTES** public Joey Fullmer expressed various concerns.

At the request of Councilmember Genser, Items 1-D, 1-F and 1-L were removed from the Consent Calendar.

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

Motion by Mayor Pro Tem Katz, seconded by Councilmember Genser, to approve the Consent Calendar, except for Items 1-D, 1-F, 1-J and 1-L, reading resolutions by title only and waiving further reading thereof. 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.

1-A: **The minutes** of the October 25, 2005, City Council meeting, were approved as submitted.

**STREET & PARKING  
LOT REPAIR**

1-B: **Annual Street and Parking Lot Repair and Resurfacing Project** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8526 (CCS) with Security Paving, in the amount of \$8,332,266; Contract No. 9527 (CCS) with Caltrop Engineering, in the amount of \$531,000, for construction management services; and appropriate \$670,000 as proposed, was approved.

**STORM DRAIN  
EASEMENTS**

1-C: **Resolution authorizing acquisition of storm drain easements in the new Civic Center Parking Structure site, from the State of California's Department of Transportation** - recommendation to adopt Resolution No. 10083 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA TO, AUTHORIZE THE CITY MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND PURCHASE AGREEMENT NO. 8528 (CCS) FOR THE ACQUISITION, AND TO NEGOTIATE AND EXECUTE RELINQUISHMENT OF STORM DRAIN EASEMENTS," was approved.

**921 19<sup>th</sup> STREET**

1-E: **Statement of Official Action for 921 19th Street** - recommendation to approve the Statement of Official Action taken designating the property as a City Landmark, was approved.

**PARKING OPERATIONS  
AND FEES**

1-G: **Amendment to Parking Operations Contract and resolution setting library parking structure fees** - recommendation to authorize the City Manager to execute an amendment to Contract No. 8360 (CCS) with Parking Management Services, in the amount of \$220,945, for operation of the Library Parking Structure, Main Street, and Ocean Avenue lots, and additional services; approve budget appropriations; and adopt Resolution No. 10084 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA SETTING LIBRARY STRUCTURE FEES," was approved.

**PLANNING SERVICES**

1-H: **Contract amendment for interim planning services** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8530 (CCS) with Civic Solutions, Inc., in the amount of \$75,000, to provide interim planning services for the Planning Division, was approved.

**VIRGINIA AVENUE  
PARK**

1-I: **Virginia Avenue Park Expansion Project** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 7982 (CCS) with Koning Eizenberg Architecture, in the amount of \$35,000, for additional design services; and an amendment to Contract No. 8267 (CCS) with Black and Veatch, in the amount of \$96,000, for additional construction management services for the project, was approved.

**SMPOA - MOU**

1-K: **Resolution No. 10085 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SANTA MONICA POLICE OFFICERS ASSOCIATION," was adopted.

**EXECUTIVE PAY PLAN**

1-M: **Resolution No. 10086 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AMENDING THE EXECUTIVE PAY PLAN," was adopted.

**CITY HALL - SEISMIC  
RETROFIT**

1-D: **Seismic retrofit of City Hall** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8529 (CCS) with Black and Veatch, in the amount of \$875,000, to provide engineering and architectural services for the project, was presented.

Councilmember Genser advised he removed this matter from the Consent Calendar to ask questions related to plans for reuse of City Hall. Staff advised project would include work on floorplates, within crawl spaces and walls only, and would not impact the exterior or displace employees.

Motion by Mayor Pro Tem Katz, seconded by Mayor O'Connor, to approve recommendation. The motion was approved by the following vote:

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

**COMPUTERS - NEW  
LIBRARY**

1-J: **Computer Equipment for the New Main Library** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract 8284 (CCS) with Gateway Companies, in the amount of \$240,000, to purchase 150 additional computers for the new Main Library, was presented.

*Councilmember Holbrook was excused at 5:52 p.m.*

Councilmember McKeown advised he removed this item from the Consent Calendar to comment on the fact that this purchase of computers with the same system creates a digital monoculture, and that the whole system could be taken down by a single virus. He added he does not support this purchase. Staff provided clarifying information and replied to questions from Councilmembers.

Motion by Mayor O'Connor, seconded by Mayor Pro Tem Katz, to approve staff recommendation. The motion failed by the following vote:

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

On order of the Mayor, and with consensus of Council, this matter put over until Councilmember Holbrook returns.

**20<sup>th</sup> STREET AND  
CLOVERFIELD**

1-L: **20th Street and Cloverfield Boulevard Improvements Project** - recommendation to authorize the City Manager to negotiate and execute a contract with Amphion Environmental, in the amount of \$450,000, to provide engineering, design and community outreach services for the project, was presented.

Councilmember Genser advised he removed this item from the Consent Calendar because, based on the report, the matter has not had public input, and because he has concerns about the firm in question.

Discussion ensued on the concerns expressed. Staff replied to questions of Councilmembers.

On order of the Mayor, and at the request of staff, this matter was withdrawn to allow time for staff to return with additional information on the work done on the project so far.

**COMPUTERS - NEW  
LIBRARY (CONTINUED)**

*Councilmember Holbrook  
returned at 6:05 p.m.*

1-J: **Computer Equipment for the New Main Library** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract 8284 (CCS) with Gateway Companies, in the amount of \$240,000, to purchase 150 additional computers for the new Main Library, was presented.

Motion by Mayor O'Connor, seconded by Mayor Pro Tem Katz, to reconsider motion made earlier. The motion was unanimously approved by voice vote, with Councilmember Shriver absent.

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

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

**125 PACIFIC STREET**

*Councilmember Genser was excused at 6:08 p.m.*

1-F: **Statement of Official Action for 125 Pacific Street** - recommendation to approve the Statement of Official Action taken designating the property as a City Landmark, was presented.

Councilmember Genser advised he had a conflict of interest with this matter and requested to be excused.

Motion by Mayor O'Connor, seconded by Mayor Pro Tem Katz, to approve recommendation. The motion was approved by the following vote:

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

**CLOSED SESSIONS:**

*Councilmember Genser returned at 6:09 p.m.*

*Councilmember Shriver arrived at 7:00 p.m.*

On order of the Mayor, the City Council recessed at 6:09 p.m., to hear closed sessions, and returned at 7:15 p.m., with all members present to report the following:

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

ACTION: Heard. No reportable action taken.

2-B: **Conference with Legal Counsel - Existing Litigation: Gloria George v. City of Santa Monica, Case No. SC 080 914**

ACTION: Not heard.

2-C: **Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): three cases, including a dispute related to use of Airport Avenue by Santa Monica College for its Bundy Campus.**

ACTION: Two cases heard. No reportable action taken.

**APPOINTMENT OF  
CITY MANAGER**

Mayor O'Connor announced that this item would be heard concurrently with Item 13-F.

**2-D: Public Employee Appointment  
Title: City Manager**

**13-F: Request of Mayor O'Connor and Council Member Holbrook that the City Council 1) consider contract terms for the appointment of a City Manager including a salary of \$245,000 annually, those benefits provided to department heads of the City under the Executive Pay Plan and relocation assistance including the option of a housing loan; 2) authorize the Mayor to execute Contract No. 8531 (CCS) with the City Manager selected; and 3) authorize the Mayor to execute pay documents to effect an "acting" appointment for the period between retirement of the current City Manager and assumption of office by the new City Manager, with compensation set at that of the current City Manager.**

Mayor O'Connor announced that after an extensive nation-wide search the City Council came to a unanimous choice in the selection Mr. Lamont Ewell, current City Manager of the City of San Diego, to succeed retiring City Manager Susan McCarthy.

Motion by Mayor O'Connor, seconded by Mayor Pro Tem Katz, to appoint Lamont Ewell as the City Manager of the City of Santa Monica and to authorize a contract and the terms outlined in Item 13-F. The motion was approved by the following vote:

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

Motion by Mayor O'Connor, seconded by Councilmember Holbrook, to authorize the Mayor to execute pay documents to effect an "acting" appointment, for Assistant City Manager Gordon Anderson, for the period between retirement of the current City Manager and assumption of the office by the new City Manager, with compensation set at that of the current City Manager. The motion was approved by the following vote:

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

2-E: **Conference with Legal Counsel - Existing Litigation: Roberta Cohan v. City of Santa Monica, Case No. SC 083 448.**

Action taken on this matter was reported at the end of the meeting.

**CONTINUED ITEMS:**  
**CONVENTION AND VISITORS BUREAU**

5-A: **Composition of the Convention and Visitor's Bureau (CVB) Board of Directors**, was presented.

Members of the public Rodney Punt, Jerry Rubin, and Mary Ann Powell commented on various aspects of the matter.

Discussion ensued on the policy and practice of appointing members to this organization by the City Council and by the Chamber of Commerce, on the City's continued funding for CVB, on the Chamber's political activity, and on the possible conflict of interest between the Chamber's political activity and their right to appoint members to the CVB, which operates under City funding.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to ask the CVB to revisit the issue of the appointing policy, focusing on the City's need to maintain an arm's length relationship with the Chamber of Commerce. The motion failed by the following vote:

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

**CODE ENFORCEMENT**

5-B: **FY 2005-2006 Code Enforcement Program and Priorities** - recommendation to hold discussion and give direction to staff regarding priorities and allocation of Code Compliance resources, was presented.

Members of the public Joey Fullmer, A. Holcomb, and Michael Tarbet expressed various concerns related to City enforcement.

Discussion ensued on the information presented and public comment related to the Department's enforcement priorities, funding, available personnel, existing backlog and needs, and on future planning.

Motion by Councilmember Shriver, seconded by Mayor Pro Tem Katz, to ask staff to return with a budget, that can be financial, personnel, or focus-based, for what activities are realistically possible with a given number of staff members; with information on if, and how many, more employees may be needed to address the priorities; and with the report to include a description of efficiency protocols. The motion was unanimously approved by voice vote, with all members present.

**ADMIN. ACTIONS:**  
**1248-1260 19<sup>TH</sup> STREET -**  
**UNITARIAN CHURCH**

**6-A: Appeal of Planning Commission's approval of CUP and Variance at 1248-1260 18th Street for Unitarian Universalist Community Church - recommendation to deny appeal and uphold Planning Commission's approval of the project based upon the proposed findings and conditions of approval.**

Applicant: Unitarian Universalist Community Church

Appellant: Blair Calderhead

The report was presented by staff. Staff answered questions of Councilmembers.

Appellant Blair Calderhead and Youlie Chong spoke in support of the appeal.

Ralph Mechur, representing the Applicant, spoke in opposition of the appeal.

Members of the public Susan McCarrey, Emily Hero, Catherine Farmer, Judith Meyer, Rick Cook, Jerry Rubin, Keith Ludowitz, Abby Arnold, Pat Parkerton, and Jim Conn spoke in opposition of the appeal.

Members of the public Lawrence Allen, John Petz, Peggy Mollin, Larry Mollin, Cathy Milliken, Evelyn Jerome, Marguerite Tanaka, Brent Norland, Shannon Dittbrenner, Geoffrey Sterns, Azia Calderhead, and Chuck Allord spoke in support of the appeal.

*Mayor Pro Tem Katz was excused at 11:30 p.m.*

Blair Calderhead and Ralph Mechur provided rebuttals to comments made during public comment.

*Councilmember Shriver was excused at 11:40 p.m.*

On order of the Mayor, and with the consensus of Council, the public hearing was closed and due to the lateness of the time, discussion and action on the appeal will be continued to a future meeting.

**STAFF ITEMS:**  
**COMMUNITY GARDENS**

8-A: **Community Gardens proposed rules and regulations** - recommendation that Council approve the proposed rules and regulations for the operation of the City's Community Gardens.

On order of the Mayor, this matter was continued to a future meeting as a 5 item.

**SMPD VEHICLE DESIGN**

8-B: **Police Department's new vehicle design** - recommendation to consider the redesign of Police patrol vehicles.

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

**PUBLIC HEARINGS:**  
**URBAN WATER MANAGEMENT PLAN**

*Councilmember Holbrook was excused at 12:12 a.m.*

9-A: **2005 Urban Water Management Plan** - recommendation to hold a public hearing, receive input, adopt Resolution No. 10087 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING THE 2005 URBAN WATER MANAGEMENT PLAN AND AUTHORIZING THE WATER RESOURCES MANAGER TO FILE THE PLAN WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES," was presented.

There was no one present for public comment.

Motion by Councilmember Bloom, seconded by Councilmember Genser, to approve recommendation and adopt resolution, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**WRITTEN REQUESTS:**  
**DOG ADOPTIONS**

12-A: **Request of Nancy Sarnoff to address Council to ask for assistance in obtaining either a permit or a business license to allow her to continue with her non-profit volunteer work of finding homes for homeless dogs.**

On order of the Mayor, and at the request of Ms. Sarnoff, this matter was continued to December 13, 2005.

**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 December 13, 2005.

**PRC**

**13-B: Appointment to three annual vacancies on the Pier Restoration Corporation with terms ending November 10, 2009.**

On order of the Mayor, this matter was continued to December 13, 2005.

**SOCIAL SERVICES**  
**COMMISSION**

**13-C: Appointment to one special vacancy on the Social Services Commission for a term ending June 30, 2007.**

On order of the Mayor, this matter was continued to December 13, 2005.

**WEST L.A. VETERANS**  
**ADMINISTRATION -**  
**ENHANCED SERVICES**

**13-D: Request of Councilmember Bloom to authorize staff to draft a similar letter as that of the California Democratic Congressional Delegation regarding the Capital Asset Realignment for Enhanced Services (CARES) Business Plan Studies for the West Los Angeles VA, was presented.**

There was no one present for public comment.

Motion by Councilmember Bloom, seconded by Councilmember McKeown, to approve request. The motion was approved by voice vote, with Councilmembers Shriver, Holbrook, and Mayor Pro Tem Katz absent.

**CONTINUED ITEM FOR**  
**12/13 MEETING**

**13-E: Request of Council Member Shriver that the report on homelessness continued from the November 8 meeting to December 13 be heard as a "5" item, early in the agenda on that evening, was presented.**

There was no one present for public comment.

Motion by Councilmember McKeown (on behalf of Councilmember Shriver), seconded by Councilmember Bloom, to approve request. The motion was approved by voice vote, with Councilmembers Shriver, Holbrook, and Mayor Pro Tem Katz absent.

**CLOSED SESSIONS -  
CONTINUED**

2-E: **Conference with Legal Counsel - Existing Litigation: Roberta Cohan v. City of Santa Monica, Case No. SC 083 448.**

Assistant City Attorney Joseph Lawrence requested that the account number for an appropriation, that was approved at the November 8<sup>th</sup> meeting related to this case, be corrected to Account No. 56232.522010.

Motion by Councilmember McKeown, seconded by Mayor O'Connor, to correct the account number as advised. The motion was approved by the following vote:

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

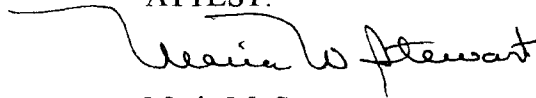
**PUBLIC INPUT**

Members of the public Richard Robinson, M. Ross, Arthur Harris and Joe Natoli discussed various issues and expressed concerns.

**ADJOURNMENT:**

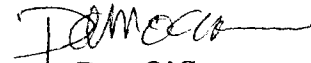
On order of the Mayor, the City Council meeting was adjourned at 12:29 a.m.

ATTEST:



Maria M. Stewart  
City Clerk

APPROVED:



Pam O'Connor  
Mayor