

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 10, 2006

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:45 p.m., on Tuesday, January 10, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook
Mayor Pro Tem Bobby Shriver (arrived at 6:10 p.m.)
Councilmember Richard Bloom
Councilmember Ken Genser
Councilmember Herb Katz
Councilmember Kevin McKeown
Councilmember Pam O'Connor (arrived at 6:00 p.m.)

Also Present: Assistant City Manager Gordon Anderson
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 O'Connor and Mayor Pro tem Shriver absent. Councilmember Bloom led the assemblage in the Pledge of Allegiance.

CONSENT CALENDAR:

All items were considered and approved in one motion unless removed by a Councilmember for discussion.

Member of the public Joey Fullmer expressed various concerns.

On order of the Mayor, and at the request of staff, Item 1-A was withdrawn from the Consent Calendar.

Motion by Councilmember Katz, seconded by Councilmember Genser, to approve all items on the Consent Calendar as presented except Item 1-A, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINUTES

1-A: **Approval of minutes** of the November 22, 2005, City Council meeting.

This matter was withdrawn at request of staff.

URBAN RUNOFF PROJECT

1-B: **Resolutions to receive grant funds for the 16th Street Multi-State and Bicknell Green Street Urban Runoff Project** – recommendation to adopt Resolution No. 10100 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY TO ENTER INTO GRANT AGREEMENT No. 8543, AND ANY AMENDMENTS THERETO, WITH THE STATE OF CALIFORNIA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2006 GRANT AGREEMENT FOR THE 16TH STREET MULTI-STAGE PRACTICE PROJECT,” and Resolution No. 10099 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY TO ENTER INTO GRANT AGREEMENT No. 8542, AND ANY AMENDMENTS THERETO, WITH THE STATE OF CALIFORNIA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2006 GRANT AGREEMENT FOR THE BICKNELL STREET PRACTICE PROJECT,” was approved.

LANDFILL STUDY

1-C: **Landfill Study at City Yards** – recommendation to authorize the City Manager to negotiate and execute Agreement No. 8544 (CCS) with SCS Engineers, in the amount of \$100,000, to study and provide options for the handling of landfill settlement issues at the City Yards, was approved.

AIRPORT LEASES

1-D: **Lease agreements for three aviation service providers at Airport** – recommendation to authorize the City Manager to negotiate and execute Lease Agreement Nos. 8545, 8546, and 8547, with Santa Monica Air Center, Inc., Krueger Aviation, Inc., and American Flyers, respectively, was approved.

MAIN LIBRARY

1-E: **Agreement for the Main Library Project** – recommendation to authorize the City Manager to negotiate and execute a modification to Contract No. 8328 (CCS) with Engineering Economics, Inc., in the amount of \$30,510, for a total of \$155,636, for additional building commissioning services for the Main Library Project, was approved.

ATA MOU

1-F: **Resolution No. 10101 entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE ADMINISTRATIVE TEAM ASSOCIATES,”** was adopted

MTA MOU

1-G: **Resolution No. 10102 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT TEAM ASSOCIATES," was adopted.

MILEAGE REIMBURSEMENT

1-H: **Resolution No. 10103 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA REPEALING RESOLUTION NUMBER 6161 (CCS) RELATING TO THE RATE OF REIMBURSEMENT FOR EMPLOYEE USE OF PERSONAL CAR FOR CITY BUSINESS," was adopted.

CLOSED SESSIONS:

Councilmember O'Connor arrived at 6:00 p.m.

Mayor Pro Tem Shriver arrived at 6:10 p.m.

On order of the Mayor, the City Council recessed at 5:56 p.m., to consider closed sessions and reconvened at 7:22 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: Toni Kalili v. City of Santa Monica, Case No. SC 083 051.**

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to approve settlement in the amount of \$25,000 in favor of plaintiff. The motion was approved by the following vote;

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

NOES: None

ABSENT: None

2-C: **Conference with Legal Counsel - Existing Litigation: Malibu Broadbeach L.P. v. City of Santa Monica, Case No. SS 013 394.**

ACTION: Not heard.

2-D: **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-E: Conference with Legal Counsel - Existing Litigation: In re Adelpia Communications Corporation, et al., USBC, Southern District of New York, Case No. 02-41729 (REG).

ACTION: Not heard.

2-F: Conference with Labor Negotiator.
City Negotiator: Karen Bancroft, Director of Human Resources
Bargaining Units: Public Attorneys Union (PAU)

ACTION: Heard. No reportable action taken.

SPECIAL AGENDA ITEMS:

4-A: Recognition of Red Cross and City Employees for Katrina Hurricane Relief.

On behalf of the City Council, Mayor Holbrook recognized and conveyed the City's appreciation to all volunteer workers, including City Employees.

CONTINUED ITEMS:
COMMUNITY GARDENS

5-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, was presented.

The following members of the public spoke in support of Community Gardens, more sites in the City, and against term limits for gardeners: Hugh Browning, Marshall Siskin, Jerry Rubin, Neil Carrey, Bryna Skuro, Jim Conn, Susan McCorry, Carol Hetrick, Chris Gutierrez, Randy Ziglar, Tim Bowler, Denny Zane, and Linda Sullivan.

Motion by Councilmember McKeown, seconded by Councilmember Katz, to approve staff recommendation, with the exception of term limits, to direct staff to aggressively pursue expanded opportunities for Community Garden sites in the City, and directing staff and the Recreation and Parks Commission to return within one year with a status report and information on turn-over rate. The motion was approved by the following vote:

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

Motion by Councilmember McKeown, seconded by Councilmember Genser, to investigate adding to rules a ban on the use of genetically modified organisms in the gardens. The motion was unanimously approved by voice vote, with all members present.

**JOINT MEETING WITH
REDEVELOPMENT
AGENCY:
CIVIC CENTER
VILLAGE**

On order of the Mayor, the City Council recessed to a special joint meeting with the Redevelopment Agency at 9:01 p.m., with all members present.

5-B: Selection of Civic Center Village Developer-Design Team, consideration of building heights, and community design process - recommendation that the Redevelopment Agency authorize the Executive Director to negotiate and execute Contract No. 8548 (RAS) with The Related Companies of California as the developer-design team for the project; and that the City Council permit The Related Companies of California to explore with the community a building height to achieve the 325 residences, and direct staff to identify a community engagement process for the design of the project, was presented.

The following members of the public commented on various aspects of the proposal: Joey Fullmer, Will B. King, Jason Parry, Jacob Samuel Arthur Harris, Ellen Brennan, and Lorraine Sanchez.

Motion by Agency Member Genser, seconded by Agency Member Katz, to authorize the Executive Director to execute the proposed contract. The motion was approved by the following vote:

AYES: Agency Members Bloom, Katz, McKeown, O'Connor,
Genser, Chair Pro Tem Shriver, Chair Holbrook
NOES: None
ABSENT: None

Motion by Councilmember Genser, seconded by Councilmember Bloom, to permit The Related Companies to explore with the community a building height, and to direct staff to identify a community engagement process. In addition, staff to explore a height not to exceed 65 feet for a portion of the buildings. The motion was approved by the following vote.

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

**ADJOURNMENT OF
JOINT MEETING**

On order of the Mayor, the joint meeting was adjourned and the City Council recessed at 9:56 p.m., and reconvened the regular City Council meeting at 10:15 p.m., with all members present.

**ORDINANCES:
ADELPHIA TRANSFER**

7-A: **Adelphia Transfer to Time Warner** – introduction and first reading of an Ordinance approving and consenting, subject to certain conditions, to the transfer of control of Century-TCI California, LP from Adelphia Communications Corporation to Comcast Cable Holdings, LLC and to the transfer of ownership and control of CAC I, LLC from Comcast Cable Holdings, LLC to Time Warner Cable, Inc., and authorization for the City Manager to execute all necessary documents.

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

**STAFF ITEMS:
LAND USE AND CIRCULATION ELEMENT**

8-A: **Land Use and Circulation Element draft alternatives and performance measures** - recommendation that Council review and comment upon the direction of the draft alternatives, common themes, performance indicators and measure, and public outreach effort.

On order of the Mayor, this matter was continued to January 24, 2006, as a 5-item.

**415 PACIFIC COAST
HIGHWAY**

8-B: **415 PCH Schematic Design** – recommendation that Council approve the proposed schematic design for the rehabilitation and adaptive reuse of publicly-owned property at 415 Pacific Coast Highway, was presented.

The following members of the public spoke in opposition to the proposal: Tom Snyder, Gene Bink, Jonathan Ornstein, Joseph Melcnione, and Phyllis Nugent.

The following members of the public spoke in support of the proposal: Neil Carrey, Nina Fresco.

Motion by Councilmember Katz, seconded by Councilmember Bloom, to approve staff recommendation, and to direct staff to meet with the Pacific Coast Highway Homeowners Association again, as soon as possible, to address the concerns heard during public comment.

Motion to amend by Councilmember Genser, that staff return at an appropriate time during the design process for public/Council review. The motion was approved as friendly.

The motion, as amended, was approved by the following vote:

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

RESOLUTIONS:
PREFERENTIAL
PARKING ZONE LL

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

11-A: **Preferential Parking Zone LL** – recommendation to adopt Resolution No. 10104 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA EXPANDING PREFERENTIAL PARKING ZONE LL TO INCLUDE THE 1100 BLOCKS OF FRANKLIN AND BERKELEY STREETS BETWEEN WILSHIRE BOULEVARD AND LIPTON AVENUE AND AMENDING RESOLUTION 9344 (CCS),” was presented.

There was no one present for public comment.

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

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

COUNCIL ITEMS:
PIER RESTORATION
CORPORATION

13-A: **Appointment to one annual vacancy on the Pier Restoration Corporation for a term ending November 10, 2009.** (Continued from December 13, 2005.)

On order of the Mayor, this matter was continued to January 24, 2006.

CALIFORNIA
NATIONAL GUARD

*Mayor Pro Tem Shriver was
excused at 12:20 a.m.*

13-B: **Request of Councilmember McKeown that the Santa Monica City Council support Assembly Joint Resolution 36, a measure also to be advanced in Sacramento's upper house by Santa Monica's State Senator Sheila Kuehl, which would hasten the return home of local California National Guard troops by calling for the enforcement of Constitutional limits on the Federal government's power to control state militias,** was presented.

The following members of the public spoke in support of the request:
Hillary Kaye, Kyle Petlock, Andy Briggs, Susan Adelman, Jerry Rubin,
Susan Hartley, Jay Johnson, Rose Robinson, Kelly Kayes-Raitt, Ana Maria
Jara, and Bernadette Scully

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

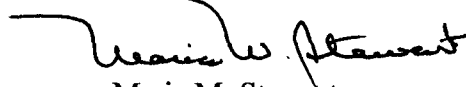
PUBLIC INPUT:

There was no one present for public input.

ADJOURNMENT:

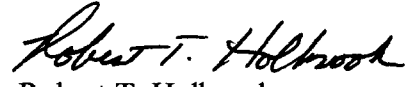
On order of the Mayor, the City Council meeting was adjourned at 12:46
a.m., in memory of Lesley Devine, a founding councilmember of the City of
Calabasas; Leo Oblath, the father of Patti Oblath; Simon Martin LeDuff, a
63-year resident, who served on many boards including the YMCA Board of
Directors; and Gerald Tolman, son of retired Santa Monica Fire Chief Tom
Tolman and his wife Mary.

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Robert T. Holbrook
Mayor