

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**JANUARY 24, 2006**

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:48 p.m., on Tuesday, January 24, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook  
Councilmember Richard Bloom  
Councilmember Ken Genser (arrived at 5:56 p.m.)  
Councilmember Herb Katz  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor (arrived at 6:05 p.m.)

Absent: Mayor Pro Tem Bobby Shriver

Also Present: City Manager P. Lamont Ewell  
City Attorney Marsha Jones Moutrie  
City Clerk Maria M. Stewart

**CONVENE/PLEDGE** On order of the Mayor, the City Council convened at 5:48 p.m., with Councilmembers Genser, O'Connor, and Mayor Pro Tem Shriver absent. Councilmember Katz 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.

Members of the public Joey Fullmer and Jerry Rubin commented on Consent Calendar Items.

At the request of Councilmember Katz, Item 1-C was removed from the Consent Calendar.

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

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

**MINUTES**

1-A: **The minutes** of November 22, and December 13, 2005, City Council meetings, were approved.

**BBB CUSTOMER SERVICE CENTER**

1-B: **Lease of space for BBB Customer Service Center** - recommendation to authorize the City Manager to negotiate and execute Lease Agreement No. 8549 (CCS) with Third Street limited to lease retail space at 223 Broadway for the Big Blue Bus Customer Service Division, was approved.

**RUN-OFF TREATMENT; MONTANA AVENUE**

1-D: **Montana Avenue Urban Runoff Treatment Project** - recommendation to adopt Resolution No. 10106 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE STATE AND OTHER RELATED DOCUMENTS; AND APPROVE PROPOSED APPROPRIATION OF GRANT FUNDS," was approved.

**CITY PARKING STRUCTURES**

1-E: **Improvements to City Parking Structures** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8551 (CCS) with Pugh+Scarpa Architects, in the amount of \$107,000, for plan design and architectural services for repainting Parking Structures 1-6, and façade improvements for Structures 2, 4, and 5, was approved.

**MONTANA BUSINESS IMPROVEMENT DISTRICT**

1-F: **Montana Business Improvement District** - recommendation to accept VEDC's termination letter for provision of services; and authorize the City Manager to negotiate and execute Contract No. 8552 (CCS) with Weil & Company for the administration of funds for the Montana Avenue Merchant Association Business Improvement District, was approved.

**HAULING DEBRIS**

1-G: **Debris hauling services** – recommendation to award Bid No. 2898 to Saied Trucking Co., for an estimated annual expenditure of \$230,000, to provide debris hauling service, was approved.

**WILSHIRE URBAN RUN-OFF**

1-H: **Wilshire Boulevard Urban Runoff Treatment Project** – recommendation to adopt Resolution No. 10107 (CCS) authorizing the City Manager to enter into Grant Agreement No. 8553 (CCS), and any amendments, with the State of California for the Wilshire Boulevard Urban Runoff Treatment Project, was approved.

*Councilmember Genser arrived at 5:56 p.m.*

**CLOSED SESSIONS**  
*Councilmember O'Connor arrived at 6:05 p.m.*

On order of the Mayor, the City Council recessed at 5:55 p.m., to consider closed sessions, and reconvened at 7:06 p.m., with all members present to continue with Item 1-C, and to report on closed sessions thereafter.

**1524 11<sup>TH</sup> STREET**

*Councilmember Katz was excused at 7:06 p.m.*

**1-C: Resolution No. 10105 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 062293 FOR A 5-UNIT PROJECT AT 1524 11TH STREET," was adopted.

Councilmember Katz advised that he had a conflict of interest in this matter and requested to be excused.

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

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

**CLOSED SESSIONS:**

*Councilmember Katz returned at 7:07 p.m.*

The following members of the public relayed concerns relative to Item 2-C; Joe Natoli, Mike Feinstein, Georgia Umano Jones.

On order of the Mayor, the City Attorney reported the following:

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

This matter was heard. No reportable action was taken.

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

This matter was heard. No reportable action was taken.

**2- C: Consultation with Santa Monica Police Chief - matters posing a threat to public facilities, pursuant to Government Code Section 54954.5(e).**

This matter was heard. No reportable action was taken.

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

This matter was heard. No reportable action was taken.

**CONTINUED ITEMS:**  
**LUCE**

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

The following members of the public commented on various aspects of the proposal: Joe Natoli, Jerry Rubin, Russell Sydney, Geraldine Kennedy, Zach Beatty, Frieda Dubin, Susan Love Loughmiller, Denny Zane, Isabel Bowman, Emma Forman, Gary Gordon, Louise Jaffe, Irene Zivi, Jacob Samuel, Judy Abdo, Patricia Hoffman, Jim Conn, Jan Ludwinski, Darrell Clarke, Barbara Brown, Roger Genser, Mario Fonda-Bonardi, Kent Strumpell, Barbara Filet, Sandy Grant, Sue Keintz, Ted Winterer, Susan Clarke, Susan McCorry, Michael Tarbet, Arthur Harris, Ellen Brennan, Paul De Santis, Zina Josephs, L. Sanchez, Emmalie Hodgin, M. Ross, Betty Muller, and Mitchell Lachman.

Considerable discussion ensued on the merits of the proposed recommendations, the draft alternatives, and the comments and suggestions made, and the issues raised by members of the public during the public hearing.

Motion by Councilmember Genser, seconded by Councilmember Katz, to direct staff to return with a methodology on how to solicit community input to ultimately allow Council to make a decision on establishing working goals to guide the analytical process, including existing community process that has gone on already and has solicited considerable information. The motion was approved by the following vote:

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

**ORDINANCES:  
RESTAURANT USES -  
3<sup>RD</sup> STREET  
PROMENADE**

**7-A: Introduction and first reading of an ordinance amending Chapter 9 of the Municipal Code to establish a discretionary review process to regulate the conversion of any portion of a restaurant use of any associated recreational or entertainment use to a new or expanded retail use located on the ground floor level adjacent to the Third Street Promenade, was presented.**

The following members of the public commented on various aspects of the proposed ordinance: Joe Natoli, Patricia Hoffman, Herb Astrow, Jennifer Hravilovich, Arthur Harris, Jerry Rubin, Bill Tucker, Chris Harding, and M. Ross.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to introduce the ordinance for first reading and direct staff to return expeditiously with a text amendment and go through the process to bring to the Bayside concept as proposed in their letter of the 17<sup>th</sup>.

Motion to amend by Councilmember Genser, to strike the CUP provision No. 2 (related to diversity) on page 18 of the ordinance; and as to the Bayside letter, proceeding with the concept on the basis of the same amount of floor area. Motion accepted as friendly. The motion was approved by the following vote:

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

**DENSITY BONUS/  
AFFORDABLE HOUSING**

*Councilmember Katz was  
excused at 11:56 p.m.*

**7-B: Introduction and first reading of an Interim Ordinance modifying the City's Density Bonus and Affordable Housing Incentives in accordance with State Density Bonus Law, was presented.**

Members of the public Darrell Clarke and Ellen Brennan in support of the proposal and in support of affordable housing.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to introduce the ordinance for first reading, amended to include the phrase related to parking incentives, on subsection "f" on page 12, that "... this parking may be provided through tandem parking or uncovered parking, but not street parking." The motion was approved by the following vote:

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

**ADELPHIA TRANSFER** 7-C: **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, was presented.**

There was no one present for public comment.

Motion by Councilmember O'Connor, 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, O'Connor, Genser,  
Mayor Holbrook  
NOES: None  
ABSENT: Councilmember Katz, Mayor Pro Tem Shriver

**STAFF ITEMS:**  
**MID-YEAR BUDGET**  
**REVIEW**

8-A: **Review Mid-Fiscal Year 2005/06 Budget Status and consideration of Community Priorities** - recommendation to approve budget changes and expenditure appropriations; adopt resolution establishing various classifications and salary rates; approve position and classification changes; and provide direction to staff for development of FY 2006/07 budgets and work plans, including community priorities.

On order of the Mayor, this matter was continued to February 14, 2006, as a 5-Item, scheduled to begin at 7:00 p.m.

**COUNCIL ITEMS:**

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

On order of the Mayor, this matter was continued to February 14, 2006.

**PUBLIC INPUT:**

Members of the public Douglas Field, Will B. King and Art Casillas discussed various issues of concern.

**ADJOURNMENT:**


On order of the Mayor, the City Council meeting was adjourned at 12:15 a.m. to February 14, 2006, in memory of Rod Dedeaux.

ATTEST:



Maria M. Stewart  
City Clerk

APPROVED:



Robert T. Holbrook  
Mayor