

**(NOT APPROVED)**

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**FEBRUARY 14, 2006**

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:59 p.m., on Tuesday, February 14, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook  
Mayor Pro Tem Bobby Shriver (arrived at 6:30 p.m.)  
Councilmember Richard Bloom  
Councilmember Ken Genser  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor (arrived at 6:25 p.m.)

Absent: Councilmember Herb Katz

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 5:59 p.m., with Mayor Pro Tem Shriver, and Councilmembers O'Connor and Katz absent. Mayor Holbrook 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 Joe Natoli made comments related to Consent Calendar items. Member of the public Ralph Mechur spoke in favor of delaying approval of Item 1-B.

At the request of Councilmember McKeown, Items 1-B and 1-L were removed from the Consent Calendar.

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

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

**MINUTES**

1-A: **The minutes of** January 10 and January 24, 2006, City Council meetings, were approved as submitted.

**1537 16<sup>TH</sup> STREET**

1-C: **Resolution No. 10108 (CCS) entitled:** "A RESOLUTION FO THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 54268 FOR A FIVE-UNIT CONDOMINIUM PROJECT AT 1537 16TH STREET," was adopted.

**VILLAGE AT CIVIC CENTER**

1-D: **Contract amendment for consulting services related to the Village at the Civic Center** - recommendation to amend existing Contract No. 8556 (CCS) with Keyser Marston Associates, in the amount of \$20,700, for additional assistance with development and financial analysis of the project, was approved.

**TEMPORARY SERVICES**

1-E: **Temporary staffing services for various City Departments** - recommendation to authorize the Purchasing Agent to issue purchase orders for contractual staffing services, for various City Departments, for an estimated annual expenditure of \$1 million, was approved.

**TREE GRANTS**

1-F: **Green Trees for the Golden State Grant Program** - recommendation to adopt Resolution o. 10109 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING AGREEMENT NO. 8557 (CCS) WITH THE CALIFORNIA DEPARTMENT OF FORESTRY TO ACCEPT FUNDING FOR TREE PLANTING GRANT FUNDS, AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS, AND APPROVE PROPOSED APPROPRIATION OF GRANT FUNDS," was approved.

**DOCUMENT IMAGING**

1-G: **Permit and Plan Document Imaging Project** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8558 (CCS) with PC Imaging, in the amount of \$750,000, to scan, index, and import permit and plan document images, was approved.

**COMMUNITY CULTURAL PLAN**

1-H: **Development of Community Cultural Plan to update Cultural Arts Master Plan** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8559 (CCS) with Cultural + Planning Group, in the amount of \$90,000, to develop a community cultural plan, was approved.

**EXPOSITION RIGHT-OF-WAY**

1-I: **Resolution No. 10110 (CCS) entitled:** “A RESOLUTION OF INTENTION OF THE CITY OF SANTA MONICA DECLARING ITS INTENTION TO CONSIDER AN AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE TO CREATE A TRANSPORTATION PRESERVATION ZONING DISTRICT FOR THE EXPOSITION RIGHT-OF-WAY, AND TO DIRECT THE PLANNING COMMISSION TO INITIATE THIS AMENDMENT,” was adopted.

**CIVIC AUDITORIUM COOLING SYSTEM**

1-J: **Civic Auditorium Cooling System** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8439 (CCS), with HEC Engineers and Contractors, in the amount of \$172,000, to upgrade the cooling system's electrical service at the Civic Auditorium, was approved.

**DRY-WET WEATHER RUNOFF**

1-K: **Designation of Project Director for Wilshire Dry-Wet Weather Runoff Diversion** - recommendation to adopt Resolution No. 10111 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANGER TO DESIGNATE A PROJECT DIRECTOR FOR THE GRANT CONTRACT WITH THE STATE OF CALIFORNIA WATER RESOURCES BOARD FOR CONSTRUCTION OF THE WILSHIRE DRY-WET WEATHER RUNOFF DIVERSION PROJECT,” was approved.

**PAU-MOU**

1-M: **Resolution No. 10112 (CCS) entitled:** “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC ATTORNEYS UNION,” was adopted.

**UNITARIAN UNIVERSALIST COMMUNITY CHURCH**

1-B: **Approval of Statement of Official Action for action taken on appeal for the expansion of the Unitarian Universalist Community Church of Santa Monica at 1248-1260 18th Street,** was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar based on public comment by a member of the public.

Motion by Councilmember McKeown, seconded by Councilmember Genser to continue this matter to allow staff time to confirm that the Statement of Official Action accurately and completely reflects the action taken by Council, and return as soon as possible. The motion was approved by the following vote:

AYES: Councilmembers Genser, McKeown, Bloom, Mayor

Holbrook  
NOES: None  
ABSENT: Councilmembers O'Connor, Katz, Mayor Pro Tem Shriver

**VIDEO SECURITY SYSTEM**

1-L: **Public Video Security System** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8560 (CCS) with Federal Network Services, in the amount of \$1,310,000, to increase security in the Third Street Promenade and the Santa Monica Pier; and approve proposed appropriation of funds, was presented.

Councilmember McKeown advised he removed this matter from the Consent Calendar to ask questions related to the efficacy of the camera and privacy issues. Staff responded to questions from Council.

Motion by Councilmember Genser, seconded by Councilmember Bloom, amended to direct staff to return to Council with the policy on how images will be collected and maintained, and their accessibility, for Council approval.

After considerable discussion, and at the request of the Mayor, this matter was tabled until the rest of the Councilmembers arrive, and because action requires five votes.

**CLOSED SESSIONS:**  
*Councilmember O'Connor arrived at 6:25 p.m.*

On order of the Mayor, the City Council recessed at 6:30 p.m., to consider closed sessions and reconvened at 8:00 p.m., with Councilmember Katz absent.

*Councilmember Shriver arrived at 6:30 p.m.*

**TREE GRANTS - RE-VOTE**

On order of the Mayor, this matter was put for a vote again as it requires a five- vote approval and the initial vote was approved with only four votes.

1-F: **Green Trees for the Golden State Grant Program** - recommendation to adopt Resolution o. 10109 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING AGREEMENT NO. 8557 (CCS) WITH THE CALIFORNIA DEPARTMENT OF FORESTRY TO ACCEPT FUNDING FOR TREE PLANTING GRANT FUNDS, AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS, AND APPROVE PROPOSED APPROPRIATION OF GRANT FUNDS," was presented.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Shriver, to adopt 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

## **VIDEO SECURITY SYSTEM**

On order of the Mayor, the City Council returned to the discussion of Item 1-L.

1-L: **Public Video Security System** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8560 (CCS) with Federal Network Services, in the amount of \$1,310,000, to increase security in the Third Street Promenade and the Santa Monica Pier; and approve proposed appropriation of funds.

Motion by Councilmember Genser, seconded by Councilmember Bloom, amended to direct staff to return to Council with the policy on how images will be collected and maintained, and their accessibility, for Council approval.

Motion to amend by Councilmember McKeown, to include for Council consideration an explanation of and possible ways to prevent use of the data by other governmental agencies. Councilmember Genser advised he was in agreement with additional information, although there may not necessarily be solutions.

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

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

## **REPORT - CLOSED SESSIONS**

On order of the Mayor, the City Attorney reported the following action taken on closed sessions:

2-A: **Conference with Legal Counsel - Existing Litigation: Haroun Mehdipour v. City of Santa Monica, Case No. SC 083 537.**

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. BC 315 186.**

ACTION: Heard. No reportable action taken.

**2-C: In the Matter of Compliance with Federal Obligations (Airport RSA Standards), FAA Docket No. 16-02-08.**

ACTION: Heard. No reportable action taken.

**2-D: Conference with Legal Counsel - Anticipated Litigation. Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): three matters, including claim of JCC relating to state housing law and the City's Affordable Housing Production Ordinance; claim of Palisades Beach Road Property Owners' Association that proposed renovation of 415 PCH conflicts with Proposition S; and Notices of Violation issued by the SCAQMD in connection with the Library Project.**

The City Attorney advised of a settlement with the SCAQMD related to the Library project.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to approve Settlement Agreement No. 8561 (CCS) reached by all parties, wherein the various City contractors will pay the fine issued by the SCAQMD in the amount of \$256,000, the City will be a signator to the agreement although the City will not pay any of the fine, and authorization for the City Manager to sign agreement and related documents. The motion was approved by the following vote:

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

**STUDY SESSION:  
HOMELESS UPDATE  
REPORT**

**3-A: Homeless Update Report.**

Former County Supervisor Ed Edelman, and City's consultant on homeless issues, provided a status report on the City's efforts for a regional approach to the matter, including a recent trip to New York City to study that City's efforts.

On order of the Mayor, the information was received and filed.

**CONTINUED ITEMS:**

**5-A: Review Mid-Fiscal Year 2005/06 Budget Status and**

**consideration of Community Priorities** - recommendation to approve budget changes and expenditure appropriations; adopt Resolution No. 10113 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA 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," was presented.

The following members of the public spoke in support of funding for various programs including, but not limited to child care, Senior care, meals-on-wheels, dog beaches, parking, the Symphony Orchestra, the Arts, and youth: Pro Se, Joey Fullmer, Cindy Carey, Georja Umano Jones, Gerald Jones, Dolo Brooking, Emma Forman, Daryl Barret, Rosemary Regalbuto, Nat Trives, Cameron Whiteman, Cass Cassidy, Jan Williamson, Clayton Campbell, Shari Davis, Russell Sydney, Joe Gershen, Jerry Rubin, Zina Josephs, Robin Munez, R. Freeman, Bruria Finkel, Laura Rosenbaum, Oscar de la Torre, Alejandro Rodriguez, Alberto Casas, William Ruiz, Ruben Pacheco, Marcus Kinland Nazario, Flavia de Mello, Patti Oblath, Linda Gordon, Bob Taylor, Margarete Fan, Michael Feinstein, Dr. Solemon, Jeanne Dodson, Jan Ludwinski, Arthur Harris, Larry Skuce, Brenda Sutton-Wills, and Ana Maria Jara.

Discussion ensued on issues raised under public comment.

Motion by Councilmember Genser, duly seconded, that Council direct staff to work with 18<sup>th</sup> Streets Art Center to look for ways to re-finance their debt and/or redevelop their property; and to return to Council with an item for substantial funding of the new Meals-on-Wheels, out of Council's discretionary fund or a better source of funds. The motion was unanimously approved by voice vote, with Councilmember Katz absent.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to direct staff to return with information on the status of a Santa Monica dog beach, and with a letter of support to the State Legislature regarding the dog beach experiment at Dockweiler State Beach. The motion was unanimously approved by voice vote, with Councilmember Katz absent.

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

AYES: Councilmembers Genser, O'Connor, McKeown, Bloom,

Mayor Pro Tem Shriver, Mayor O'Connor

NOES: None

ABSENT: Councilmember Katz

**ORDINANCES:**  
**RESTAURANT USES**

7-A: **Second reading and adoption of Ordinance No. 2175 (CCS) entitled:** "AN ORDINANCE OF THE CITY OF SANTA MONICA 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.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to adopt the ordinance, 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 O'Connor

NOES: None

ABSENT: Councilmember Katz

**DENSITY BONUS**

7-B: **Second reading and adoption of Interim Ordinance No. 2176 (CCS) entitled:** "AN INTERIM ORDINANCE OF THE CITY OF SANTA MONICA MODIFYING THE CITY'S DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES IN ACCORDANCE WITH STATE DENSITY BONUS LAW," was presented.

Motion by Councilmember O'Connor, seconded by Mayor Pro Tem Shriver, to adopt the ordinance, 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 O'Connor

NOES: None

ABSENT: Councilmember Katz

**ADELPHIA CABLE**

7-C: **Second reading and adoption of Ordinance No. 2177 (CCS) entitled:** "AN ORDINANCE OF THE CITY OF SANTA MONICA 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.," was presented.

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to adopt the ordinance, 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 O'Connor  
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.**

On order of the Mayor, this matter was continued to February 28, 2006.

**TRANSITIONAL  
WORKER RETENTION**

**13-B: Request of Councilmember McKeown that the Council direct staff to prepare an ordinance requiring a transitional worker retention period when grocery stores undergo a change of ownership control, so as to protect from sudden job displacement Santa Monica's grocery store workers, many of whom are long-time community members, and so as to ensure the welfare of Santa Monicans through the maintenance of grocery store health and safety standards by experienced employees,** was presented.

Members of the public Jesse Gonzalez, Gayle Gonzalez, Genise Schnitman, Ana J. Jara and Ana M. Jara spoke in support of the request.

Member of the public Jennifer Forkish spoke in opposition of the request.

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

**SECOND-HAND SMOKE**

*Councilmember O'Connor  
was excused at 11:44 p.m.*

**13-C: Request of Councilmember Bloom that the City Council direct staff to review the recent California Air Resources Board (CARB) report and action on second-hand smoke and report back to Council with a summary that includes discussion of implications for residents, visitors and employees of Santa Monica. The CARB unanimously**

**adopted a regulatory amendment identifying environmental tobacco smoke (ETS), also known as secondhand smoke, as a toxic air contaminant (TAC). A TAC is defined as an air pollutant which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. It is also requested that staff be directed to review recent legislation regarding second-hand smoke in other jurisdictions and that staff return to Council with a summary of measures that the Council might consider to respond to the findings of the CARB report and action, including, but not limited to, legislation regarding second-hand smoke in common areas of buildings and public spaces, perimeters of private buildings, etc., was presented.**

Members of the public Jerry Rubin, Robert Donin, Esther Schilles, Regina Harcourt, Sharon Miller, Robert Berger and Ellen Cheng spoke in support of the request.

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

## **LATINA YOUTH CONFERENCE**

*Mayor Pro Tem Shriver was excused at 12:03 a.m.*

**13-D: Request by Councilmember McKeown that the Council, from its discretionary Fund, grant \$1000 in matching funds to help sponsor the Latina Youth Conference, promoting academic and life goal achievement for young women in grades 8-12, to be held Saturday, March 25th at Santa Monica College, was presented.**

Members of the public Ana Maria Jara and Isabel Aranda spoke in support of the request.

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

## **RESIGNATION**

**13-E: Acceptance of Kelly Hayes-Raitt's letter of resignation from the Commission on the Status of Women, and authorization for City Clerk to publish vacancy, was presented.**

There was no one present for public comment.

Motion by Mayor Holbrook, seconded by Councilmember McKeown, to approve recommendation. The motion was unanimously approved by voice vote, with Councilmembers O'Connor, Katz, and Mayor Pro Tem Shriver

absent.

**RESIGNATION**

**13-F: Acceptance of D. Joshua Staub's letter of resignation from the Commission for the Senior Community, and authorization for City Clerk to publish vacancy.**

Motion by Mayor Holbrook, seconded by Councilmember Genser, to approve recommendation. The motion was unanimously approved by voice vote, with Councilmembers O'Connor, Katz, and Mayor Pro Tem Shriver absent.

**"BOOTLEG" RENTAL UNITS**

**13-G: Request by Councilmember Genser that the Council direct City staff to initiate an amendment to Interim Ordinance 2149 (CCS) to permit the legalization of an unpermitted ("bootleg") rental unit when the Rent Control Board determines the unit to have been rented on April 10, 1979, and provided that the unit meets the habitability and development provisions of the Interim Ordinance, was presented.**

There was no one present for public comment.

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

**PUBLIC INPUT:**

Members of the public Pro Se, Rhonda Harper and Art Casillas commented on various issues.

**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 12:20 a.m., in memory of actor Chris Penn.

ATTEST:

Maria M. Stewart  
City Clerk

APPROVED:

Robert T. Holbrook  
Mayor