

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

FEBRUARY 28, 2006

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 6:07 p.m., on Tuesday, February 28, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook
Mayor Pro Tem Bobby Shriver
Councilmember Richard Bloom
Councilmember Herb Katz
Councilmember Kevin McKeown

Absent: Councilmember Pam O'Connor
Councilmember Ken Genser

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 6:07 p.m., with Councilmembers O'Connor and Genser absent. Councilmember McKeown 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.

The following members of the public spoke in support of Item 1-G: Mary Hubbell, Robin Nurez, Gerald Jones, Susan Dirende, Georja Umamo Jones, and Garber.

The following members of the public spoke in opposition to Item 1-G: Chuck Almdale and Lisa Colabello.

The following members of the public commented on various Consent items: Joey Fullmer, Pro Se, Joe Natoli, Kevin Nurakami and Susan Kigawa.

At the request of Mayor Pro Tem Shriver, Items 1-G, 1-F and 1-E were removed from the Consent Calendar. At the request of Councilmember Bloom, Item 1-D was removed from the Consent Calendar.

Motion by Councilmember McKeown, seconded by Councilmember Katz, to approve all items on the Consent Calendar, except Items 1-D, 1-E, 1-F, and 1-G, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers McKeown, Katz, Bloom, Mayor Pro Tem Shriver, Mayor Holbrook

NOES: None

ABSENT: Councilmembers Genser, O'Connor

SANTA MONICA STATE BEACH

1-A: **Operating Agreement for Santa Monica State Beach** – recommendation to authorize the City Manager to negotiate and execute Agreement No. 8562 (CCS) with the State of California Department of Parks and Recreation for development, operation, control and maintenance of Santa Monica State Beach, was approved.

1228 21ST STREET

1-B: **Resolution No. 10114 (CCS) entitled:** “A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING A FINAL SUBDIVISION MAP FOR PARCEL NO. 061468 TO SUBDIVIDE A PROPERTY FOR A 4-UNIT CONDOMINIUM PROJECT AT 1228 21ST STREET,” was adopted.

UCLA/BBB FARE AGREEMENT

1-C: **Big Blue Bus UCLA fare agreement** – recommendation to approve Agreement No. 8563 (CCS) for an average charge of \$.69 for local service and \$1.67 for express service for each boarding by UCLA students, faculty and staff, was approved.

PIER RESTROOM

1-D: **Pier Restroom Replacement** – recommendation that the City Council authorize the City Manager to negotiate and execute Agreement No. 8564 (CCS) with AZ Architecture Studio, Inc., in the amount of \$248,000, for architectural and engineering services related to the project, was presented.

Councilmember Bloom advised he removed this item from the Consent Calendar to ask whether the project was being reviewed by the Planning Commission or the Architectural Review Board. Staff responded to questions of Councilmembers.

Motion by Councilmember Bloom, seconded by Mayor Holbrook, to approve recommendation, amended to suggest to the Landmarks Commission that the Architectural Review Board provide preliminary review in advance to Planning Commission review. The motion was approved by the following vote:

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

**INVESTMENT POLICY;
DELEGATION OF
AUTHORITY**

1-E: **Investment Policy, Delegation of Investment Authority, and resolution related to Bank and Brokerage Accounts and persons authorized to conduct transactions with the State Local Agency Investment Fund** - recommendation to approve the revised Investment Policy, extend delegation of investment authority to the Chief Financial Officer; and adopt Resolution No. 10115 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE ESTABLISHMENT AND USE OF BANK AND BROKERAGE ACCOUNTS AND UPDATING THE LIST OF PERSONS AUTHORIZED TO CONDUCT TRANSACTIONS WITH THE STATE LOCAL AGENCY INVESTMENT FUND," was presented.

Mayor Pro Tem Shriver advised he removed this item from the Consent Calendar to ask if individuals executing the transactions have any restrictions on their ability to do business with the firms with whom they are executing the transactions. Staff answered questions from Councilmembers.

Motion by Mayor Pro Tem Shriver, seconded by Councilmember Katz, to approve recommendation, reading the resolution by title and waiving further reading thereof, and amending the last sentence of paragraph 6, on page 3 of the policy to read: "with the same individual, or firm, with whom business is conducted on behalf of the City." The motion was approved by the following vote:

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

**120 COLORADO -
SEWER**

1-F: **Sewer Easement at 120 Colorado Avenue** – recommendation to authorize staff to explore the possible acquisition of a sewer easement at 120 Colorado Avenue, and authorize the City Manager to negotiate and execute Contract No. 8565 (CCS) with Black & Veatch Corporation, in the amount of \$800,000, for project design services, was presented.

Mayor Pro Tem Shriver advised he removed this item from the Consent Calendar to ask questions related to the bid process and selection, due to the fact that only one bid was submitted for the project. Staff responded to

questions from Councilmembers, and will provide additional information.

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

AYES: Councilmembers McKeown, Katz, Bloom, Mayor Pro Tem Shriver, Mayor Holbrook

NOES: None

ABSENT: Councilmembers O'Connor, Genser

DOG BEACH PILOT PROGRAM

1-G: Support of AB 359 - Dog Beach Pilot Program at Dockweiler State Beach - recommendation to authorize a letter in support of AB 359, and adopt Resolution No. 10116 (CCS) entitled: "RESOLUTION OF THE CITY OF SANTA MONICA IN SUPPORT OF AB 359, ESTABLISHING A PILOT DOG BEACH PROGRAM AT DOCKWEILER STATE BEACH AND REQUESTING THAT SUCH LEGISLATION BE EXPANDED TO INCLUDE SANTA MONICA STATE BEACH," was presented.

City Manager Ewell recommended amending the proposed resolution by replacing the word "guardian" with the word "owner" throughout the document.

Motion by Councilmember Katz, seconded by Councilmember McKeown, to approve the recommendation and adopt the resolution, amended as suggested by the City Manager, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers Katz, McKeown, Mayor Pro Tem Shriver, Mayor Holbrook

NOES: Councilmember Bloom

ABSENT: Councilmembers O'Connor, Genser

CLOSED SESSIONS:

On order of the Mayor, the City Council recessed to closed sessions at 7:28 p.m., and returned at 8:29 p.m., with Councilmembers Genser and O'Connor absent, to report the following:

**2-A: Property: 120 Colorado Avenue
City Negotiator: Miriam Mack
Under Negotiation: Interest in Real Property
Owner of Record: Felcor Hotel Asset Company, LLC**

ACTION: Case heard; no reportable action taken.

2-B: Conference with Legal Counsel – Existing Litigation: City of Santa Monica, et al., v. City of Los Angeles (Playa Capital Company, Real Party in Interest), Case No. BS 093 502 [Related to Case No. BS 093 507.

ACTION: City Attorney Moutrie advised the City Council had decided to take an appeal on this matter.

2-C: Conference with Legal Counsel - Existing Litigation: Coalition for a Livable Santa Monica v. City of Santa Monica, Case No. SS 013 463.

ACTION: Case heard; no reportable action taken.

2-D: Conference with Legal Counsel - Existing Litigation: Stewart Lamle v. City of Santa Monica, Case No. 04-06355 (SH).

ACTION: Case not heard.

2-E: Conference with Legal Counsel - Existing Litigation: Betty Robinson v. City of Santa Monica, Case No. SC 086 327.

ACTION: Case not heard.

2-F: Conference with Legal Counsel: Anticipated Litigation. Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): Claim of Palisades Beach Road Property Owners' Association that proposed renovation of 415 PCH conflicts with Proposition S, and one dispute related to real property at 161 Ocean Park Boulevard.

ACTION: Case related to 415 Pacific Coast Highway was heard; no reportable action was taken.

**ORDINANCES:
BUSINESS EMPLOYEES
PARKING PERMITS**

7-A: Introduction and first reading of an ordinance adding Chapter 3.10 to the Municipal Code to authorize the issuance of preferential parking permits for certain specified businesses; resolution amending Preferential Parking Zones G, K, O, DD, TT, YY and ZZ and amending Resolution 9344 (CCS), was presented.

Councilmembers Katz and Bloom stated, for the record, that they lived in proximity of one of the areas of the proposed ordinance, and after having discussed the matter with the City Attorney, each felt there was no conflict

of interest with participating in this matter.

The following members of the public expressed concerns related to the proposed ordinance: Thomas Elias, Zina Josephs, Emmalie Hodgies, Joe Natoli, Jerry Rubin, Christian Boyce, and Brian Varnum.

Members of the public Bob Dalbinstri, Pooja Bhagat, Laurie Groehler, Bruce Ettinger, Gary Gordon, Marla Kraus, Simone Barth, Charles Donaldson, Tom Larmore, Lee Fox, and Michele Enck spoke in support of the proposal and offered suggestions.

Considerable discussion ensued on the merits of the proposal and the points made during public comment.

Motion by Councilmember Bloom, seconded by Councilmember Katz, to introduce ordinance for first reading with the points listed on pages 16-17 of the staff reports as follows:

1. Introduce on first reading an Ordinance to create a pilot on-street business employee permit parking on a limited and targeted basis in certain areas of the City, choosing the blocks upon which they wish to implement this trial program.
4. Affirm that the Preferential Parking Ordinance authorizes staff to establish appropriate parking restrictions for each zone, and that authority allows staff to leave street frontage abutting side yards without posted regulations in certain cases, in order to reduce potential displacement of non-resident vehicles to other residential areas.
5. Direct staff to hold a neighborhood meeting with neighbors along (and north of) Alta Avenue to consider the petition from residents of the 1100 block of Alta Avenue and to allow preferential parking for two spaces only in front of homes whose primary entrance is on Alta Avenue.

The motion includes an amendment to the ordinance, to delete all the streets listed on page 3 and the first street on page four, leaving the 2nd through the 7th streets on the list, and deleting the last 8 streets. The motion, as amended, was approved by the following vote:

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

Motion by Councilmember Bloom, seconded by Councilmember Katz, to adopt the resolution amending preferential parking zones.

Discussion ensued on the impacts and the benefits to the residents, businesses, and neighborhoods, of adopting the resolution. After considerable discussion, it was the consensus of Council to continue adoption of the resolution to a future meeting to allow staff to analyze the points made and concerns expressed by the public. The motion was withdrawn.

Motion by Councilmember Bloom, seconded by Councilmember Katz, that as related to recommendation number three in the staff report, Council affirm that because implementing preferential parking regulations on additional blocks north of the Montana Avenue business district will likely create unreasonable displacement of non-resident vehicles onto surrounding residential areas, no additional preferential parking should be implemented on the blocks north of Alta between Lincoln Boulevard and 17th Street, with the exception of up to two spaces on Alta Avenue in front of each residence with a front yard on Alta Avenue. The motion was approved by the following vote:

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

Councilmember McKeown stated, for the record, that he voted in opposition because he believes that residents in all parts of the City should have equal rights with respect to preferential parking.

DEVELOPMENT STANDARDS

7-B: Introduction and first reading of an ordinance modifying development, design, and off-street parking standards for projects developed within the BSCD, C3 and C3C zoning districts, including, but not limited to design standards for ground floor heights, building streetfronts, landscaping, sidewalks adjacent to historic resources, development review thresholds, and off-street parking and access requirements.

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

STAFF ITEMS: DOWNTOWN PARKING PROGRAM

8-A: Downtown Parking Program - recommendation to: adopt Resolution No. 10117 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT"; adopt resolution making necessary CEQA findings, and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; approve

the Downtown Parking Program; and authorize staff to proceed with next steps to implement the Downtown Parking Program, including the procurement of design services, was presented.

Members of the public Joey Fullmer, Ellen Brennan, Linda Sullivan, and Arthur Harris discussed various aspects of the program.

Motion by Councilmember Katz, seconded by Mayor Holbrook, to adopt the resolution certifying the Final EIR. The motion was approved by the following vote:

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

Motion by Councilmember Katz, seconded by Mayor Holbrook, to adopt a resolution making CEQA findings, adopting Statement of overriding considerations and mitigation monitoring and reporting program.

Substitute motion by Councilmember McKeown, seconded by Councilmember Bloom, to adopt the resolution including Option 3-B in the EIR. The motion failed by the following vote:

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

The main motion failed by the following vote:

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

Motion by Mayor Pro Tem Shriver, seconded by Councilmember Bloom, to table the remainder of this matter to a future meeting when there is a full Council. The motion was approved by a majority vote, with Councilmembers McKeown and Katz voting in opposition, and Councilmembers Genser and O'Connor absent.

415 PCH DESIGN

8-B: 415 Pacific Coast Highway Design – recommendation that the City Council approve the refined Schematic Design and operating parameters and provide policy direction in developing the final Operating Plan for the site at

415 Pacific Coast Highway was presented.

The following members of the public commented on various issues including, but not limited to maintenance costs, traffic, access to the facility, security, historic value, and a possible traffic signal: Jerry Rubin, Marcello Vavala, George Rosenthal, Tom Snyder, Chuck Levy, Joseph Melchione, Joe Natoli, and Mitch Lachman.

Motion by Councilmember Bloom, seconded by Mayor Pro Tem Shriver, to approve staff recommendation.

Motion to amend by Councilmember Katz, seconded by Mayor Pro Tem Shriver to add a condition of security to be provided as proposed in the staff report, and pursue the installation of a signal by Cal-Trans. The motion was accepted as friendly.

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

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

COUNCIL ITEMS:
APPOINTMENT

13-A: Appointment to one annual vacancy as the Santa Monica representative to the Los Angeles County West Vector Control District.

On order of the Mayor, the floor was opened for nominations.

Councilmember Katz nominated incumbent Nancy Greenstein to an additional two-year term. There being no other nominees, Ms. Greenstein was appointed by acclamation, with Councilmembers Genser and O'Connor absent.

CLEAN MONEY ACT

13-B: Request of Councilmember McKeown that, in support of "clean money" public financing of candidates for state office, and pursuant to a request by the Santa Monica Commission on the Status of Women, that the Council support AB 583, the "California Clean Money and Fair Elections Act," and convey the City's support to the Governor and appropriate state legislators, meanwhile directing staff to study the clean money campaign concept and other related legislative efforts to assess how a similar voter-empowering public financing system could be implemented in Santa Monica, was presented.

Members of the public Tia Skulski and Trent Lange spoke in support of the request.

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

PIER RESTORATION CORPORATION

13-C: 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 March 14, 2006.

CHAMBER FEE WAIVER 13-D: Request of Mayor Holbrook that the City Council waive customary fees for use of Council Chambers to allow the California Regional Water Quality Control Board to hold a hearing of the State of California on Thursday, May 11, 2006, from 9:00 a.m., to 5:00 p.m., was presented.

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

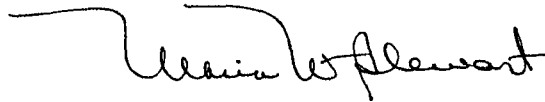
PUBLIC INPUT:

Member of the public Pro Se expressed various concerns.

ADJOURNMENT:

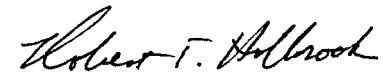
On order of the Mayor, the City Council meeting was adjourned at 12:55 a.m.

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Robert T. Holbrook
Mayor