

(NOT APPROVED)

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**MARCH 28, 2006**

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:56 p.m., on Tuesday, March 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  
Councilmember Pam O'Connor

Absent: Councilmember Ken Genser

Also Present: Assistant City Manager Gordon Anderson  
Assistant City Attorney Joseph Lawrence  
City Clerk Maria M. Stewart

**CONVENE/PLEDGE** On order of the Mayor, the City Council convened at 5:56 p.m., with Councilmember Genser absent. Assistant City Attorney Joseph Lawrence 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 expressed their views regarding Consent Calendar items.

At the request of Mayor Pro Tem Shriver, Item 1-B was removed from the Consent Calendar.

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

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

Mayor Pro Tem Shriver, Mayor Holbrook

NOES: None

ABSENT: Councilmember Genser

**1248-1260 18<sup>th</sup> STREET**

1-A: **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 approved.

**UNIFORMS AND SUPPLIES FOR THE BBB**

1-C: **Recommendation to award Bid No. 2900, in an estimated annual expenditure of \$40,000, to Aramark Uniform Services for uniform, shop towel, and floor mat rental services for the Big Blue Bus**, was approved.

**NATIONAL INCIDENT MANAGEMENT SYSTEM**

1-D: **Resolution No. 10119 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND INCORPORATING ITS PRINCIPLES AND POLICIES INTO THE CITY'S EMERGENCY PLAN,"** was adopted.

**MOTOROLA MOBILE COMPUTERS**

1-B: **Use of grant funds for purchase of mobile computers from Motorola** - recommendation to waive competitive bidding, appropriate proposed uses for State COPS funding of \$270,405, and the purchase of 25 mobile computers on a sole source basis from Motorola, Inc., was presented.

*Mayor Pro Tem Shriver excused at 6:05 p.m.*

Mayor Pro Tem Shriver advised he had a conflict of interest in this matter and requested to be excused.

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

AYES: Councilmembers Bloom, Katz, McKeown, O'Connor, Mayor Holbrook

NOES: None

ABSENT: Councilmember Genser, Mayor Pro Tem Shriver

**CLOSED SESSIONS:**

*Mayor Pro Tem Shriver returned at 6:06 p.m.*

On order of the Mayor, the City Council recessed at 6:06 p.m., to consider closed sessions and returned at 7:25 p.m., with Councilmember Genser absent, to report the following:

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

ACTION: Not heard.

**2-B: Conference with Legal Counsel - Existing Litigation: City adv. Shell Oil Company (arbitration regarding compliance with settlement agreement in City of Santa Monica v. Shell Oil Co., Case No. 01CC4331).**

ACTION: Not heard.

**2-C: Anticipated Litigation. Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): Claim of SKS Construction Company; one dispute related to real property located at 161 Ocean Park Boulevard; and claim of Palisades Beach Road Property Owners' Association that proposed renovation of 415 PCH conflicts with Proposition S.**

Motion by Councilmember Katz, seconded by Councilmember O'Connor, to settle SKS claim, related to City Parks and City Facilities, by approving a settlement in the amount of \$50,000. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember Genser

The City Attorney advised the other two cases were heard, and there was no reportable action taken.

**2-D: Conference with Legal Counsel - Existing Litigation: Howard Miller v. City of Santa Monica, Case No. SC 086 282.**

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to approve settlement in the amount of \$75,000 related to an injury that occurred at Muscle Beach. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember Genser

**STUDY SESSION:**

At the request of Council and on order of the Mayor Item 13-E was heard concurrently with this matter.

**HOMELESS UPDATE REPORT**

3-A: **Homeless Update Report** was presented by Consultant and Former Los Angeles County Supervisor Ed Edelman.

**HOMELESS LEGISLATION**

13-E: **Request of Mayor Pro Tem Shriver and Councilmember Bloom to support Senator Gil Cedillo’s regional homeless legislation with refinements recognizing Santa Monica homelessness efforts. Support as follows: 1. Support SB1318: Sentence Enhancements Controlled Substance Sales Drug Treatment Center or Homeless Shelter. 2. Support SB1319: Dumping’/Criminal Procedure: release from custody in jail services. 3. Neutral SB1320: Downtown Narcotics Recovery Zone /Probation: Los Angeles County restrictions. 4. Support SB1321: Criminal Procedure: release from custody in jail (Community Reunification Act). 5. Support with amendment- SB1322: Fair Share Zoning/Housing: use by right; amend to credit existing services/housing. 6. Support SB1323: Prototype Mental Health Court/Treatment Program. 7. Support SB 1288: Youth Substance Abuse Treatment/Medi-Cal. 8. Support SB 1289: Foster Care Extension Up to Age 21. 9. Support SB 1469: Youth Discharge Planning Connection with Medi-Cal,** was presented.

Members of the public Jerry Rubin, Joey Fullmer Joe Natoli and Becky Dennison expressed their views on the subject matter.

On order of the Mayor, the Homeless Update Report was received and filed.

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

**SPECIAL ITEMS:  
WOMEN’S HISTORY MONTH**

4-A: **Proclamation declaring March 2006 to be *Women’s History Month* in the City of Santa Monica and congratulating the Commission on the Status of Women on its 25th Anniversary,** was read and issued by Mayor Holbrook.

**PAL MARATHON RECOGNITION**

4-B: **Recognition of Police Activities League (PAL) Youth Participation in the Los Angeles Marathon.**

Mayor Holbrook recognized the participants in this activity and conveyed Council’s support and encouragement for future endeavors.

**ORDINANCES:  
AUTOMOBILE**

7-A: **Resolution No. 10120 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA CERTIFYING A FINAL EIR”;**

## DEALERSHIPS

**Resolution No. 10121 (CCS) entitled:** “A RESOLUTION OF THE CITY OF SANTA MONICA MAKING NECESSARY CEQA FINDINGS AND APPROVING STATEMENT OF OVERRIDING CONSIDERATIONS”; **Resolution No. 10122 (CCS) entitled:** “A RESOLUTION OF THE CITY OF SANTA MONICA ADOPTING THE GENERAL PLAN LAND USE ELEMENT AMENDMENT”; **and introduction and first reading of an interim ordinance modifying regulations related to automobile dealerships, associated automobile parking structures and storage lots, including allowing development of automobile parking structures, storage facilities, and related uses associated with an adjacent dealership on certain residentially zoned sites, establishing development standards, design standards, review processes and operational standards, authorizing automobile dealerships in the M1 District, adjusting the FAR calculation methodology, authorizing employee parking on existing inventory lots in the BCD Zoning District, and modifying the temporary use permit provisions for dealerships,** was presented.

Member of the public Chuck Allord spoke in opposition to the proposed ordinance.

The following members of the public spoke generally in support of the proposal and provided comments and suggestions for changes: Mark Harding, Joe Simpkins, Ron Davis, Bill Rehwald, Mike Sullivan Bill Rinker, Kathy Dodson, Kevin Kozal, Chris Harding, and Ruthann Shanley.

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

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

Motion by Councilmember O’Connor, seconded by Councilmember Bloom, to adopt Resolution making CEQA findings and adopting Statement of Overriding Considerations, amended to include the “Attachment A” entitled “Mitigation and Monitoring Report,” distributed by staff. The motion was approved by the following vote:

AYES: Councilmember Bloom, Katz, McKeown, O’Connor, Mayor  
Pro Tem Shriver, Mayor Holbrook  
NOES: None

ABSENT: Councilmember Genser

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to adopt resolution adopting the General Plan Land Use Element Amendment and to introduce the ordinance for first reading, reading both by title only and waiving further reading thereof.

Motion to amend by Councilmember Katz, seconded by Mayor Pro Tem Shriver, to amend ordinance to allow the dealers to still unload inventories on the commercial area of the streets (not residential) unless they have facilities off-street to allow for it, and that hours proposed in the staff report are acceptable.

Discussion ensued. After considerable discussion, the motion to amend was withdrawn by the maker and seconder.

Motion by Councilmember Katz, seconded by Mayor Pro Tem Shriver, to amend the maximum building height to exclude parapets from measurement. The motion was accepted as friendly.

Motion to amend by Councilmember Bloom to extend the short-term automobile storage by providing three additional 6-month extensions, for a possible total of 5 years. The motion was accepted as friendly.

Motion to amend by Councilmember Katz, to approve the request of the Santa Monica Dealers Association to not require additional parking for single story showrooms that enclose what is an outdoor display area, with the following language in the appropriate section: “Notwithstanding the parking requirements set forth in Municipal Code Section 9.041.008, interior showroom areas specifically dedicated to vehicle display shall be calculated at a rate of one space for 2,000 of floor area. Associated sales and office area shall continue to be calculated as required by the Zoning Ordinance.” The amendment was accepted as friendly.

Motion by Councilmember Katz, seconded by Mayor Holbrook, that when remodeling, to change the threshold that triggers additional standard conditions from 1,000 to 2,000. The motion to amend was approved by the following vote:

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

Motion to amend by Councilmember O'Connor, seconded by Councilmember Katz, to delete the use of photovoltaic technology as a requirement from the ordinance. The motion was approved by the following vote:

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

The main motion to amend the Resolution, as amended above, was approved by the following vote:

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

The main motion to introduce the ordinance, as amended above, was approved by the following vote:

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

**DENSITY BONUS/  
AFFORDABLE HOUSING  
INCENTIVES**

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

There was no one present for public comment.

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to introduce ordinance, reading by title only and waiving further reading thereof, and amending Section J to read: "Housing developments in commercially or industrially-zoned districts that meet the affordability requirements of subsection (h) may request one or more of the following incentives, as applicable: In addition to the high-rise residential parking incentive of subsection (g)." And add the following language at the end of the definition: "or additional housing development mandated by Government Code Section 65915."

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

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

**STAFF ITEMS:**  
**CHILD CARE/ARTS  
DEVELOPER  
REQUIREMENTS**

8-A: **Discussion of analysis and recommendation regarding a Child Care Linkage Program and Developer Cultural Arts Requirements** - recommendation to give direction to staff relating to the drafting of two ordinances for a Childcare Linkage Program and Developer Cultural Arts Requirement.

On order of the Mayor, this matter was continued to April 11, 2006, as a 5-Item.

On order of the Mayor, the regular City Council meeting was recessed to a joint meeting with the Redevelopment Agency at 11:47 p.m., with Councilmember Genser absent.

**SPECIAL JOINT  
MEETING:**  
**REFUNDING BONDS**

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY:**

8-B: **Earthquake Recovery Redevelopment Project Area Tax Allocation Refunding Bonds** - recommendation that the City Council and the Redevelopment Agency adopt respective Resolution Nos. 10119 (CCS) and 495 (RAS) authorizing issuance of the Refunding Bonds and approve the execution and delivery of an Indenture and First Supplement to Indenture of Trust, Escrow Agreement, Preliminary Official Statement, Official Notice of Sale, and Notice of Intention to Sell; and approve the proposed budget changes, was presented.

There was no one present for public comment.

Motion by Mayor Pro Tem Shriver, seconded by Councilmember O'Connor, to adopt Council resolution, reading by title only and waiving further reading thereof, and approving staff recommendation. The motion was approved by the following vote:

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

**ADJOURNMENT OF  
SPECIAL JOINT**

On order of the Mayor, the Special Joint Meeting was adjourned at 11:50 p.m., and the City Council returned to its regular meeting, with

**MEETING**

Councilmember Genser absent.

**COUNCIL ITEMS:**  
**APPOINTMENT**

**13-A: Appointment to one annual vacancy on the Pier Restoration Corporation for a term ending November 10, 2009. (Continued from March 14, 2006.)**

On order of the Mayor, this matter was continued to April 11, 2006.

**APPOINTMENT**

**13-B: 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 April 11, 2006.

**APPOINTMENT**

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

On order of the Mayor, this matter was continued to April 11, 2006.

**EXTENSION OF TERM**

**13-D: Extension of two-year term for appointment made on February 28, 2006, to one annual vacancy as the Santa Monica representative to the Los Angeles County West Vector Control District, was presented.**

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to extend Nancy Greenstein's appointment from two years to four years. The motion was unanimously approved by voice vote, with Councilmember Genser absent.

**PUBLIC INPUT:**

Members of the public Art Casillas and Tim Dillenbeck expressed their views and opinions.

**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 11:58 p.m., in memory of Thomas (Tommy) Garcia, retired employee of the City's Water Department and husband of Finance Department employee Donna Garcia; Werner Simon Phillips, father of Risk Manager Tom Phillips; and resident Carrie Phillips, teacher at Turning Point School in Culver City, who was killed when a car struck her as she was walking students back to school from a nearby park.

ATTEST:

Maria M. Stewart  
City Clerk

APPROVED:

Robert T. Holbrook  
Mayor