

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

AUGUST 8, 2006

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 5:48 p.m., on Tuesday, August 8, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook
Councilmember Richard Bloom
Councilmember Herb Katz
Councilmember Kevin McKeown
Councilmember Pam O'Connor

Absent: Mayor Pro Tem Bobby Shriver
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 5:48 p.m., with Mayor Pro Tem Shriver and Councilmember Genser absent. Councilmember O'Connor 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 Pro Se and Joey Fullmer expressed concerns regarding various Consent Calendar items.

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

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

PIER REHABILITATION 1-A: **Pier Structural Rehabilitation and Repair Project** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8621 (CCS) with John S. Meek Company, in the amount of \$1,949,865, for Phase III of the construction project; and to execute Contract No. 8622 (CCS) with Moffatt & Nichol, in the amount of \$110,000, for construction management services, was approved.

CHARNOCK AND OLYMPIC WELL FIELDS 1-B: **Charnock and Olympic Well Fields restoration project** - recommendation to authorize the City Manager to negotiate and execute sole-source Contract No. 8623 (CCS) with Worley Parsons Komex, in the amount of \$312,000, for engineering support services for the project for FY 2006-07, was approved.

947 4th STREET 1-D: **Resolution No. 10163 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA accepting and approving a final subdivision map for Tract No. 54094 to subdivide a property at 947 4th Street,"** was adopted.

CONGESTION MGMT. PLAN 1-E: **Recommendation to hold a public hearing and adopt Resolution No. 10162 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089,"** was approved.

SEWER PROJECT 1-C: **Colorado/Ocean Avenue Sewer Relief Project** - recommendation to set September 26, 2006, as the date to hold a hearing to consider adoption of a Resolution of Necessity to acquire a sewer easement for the Colorado/Ocean Avenue Sewer Relief Project from Felcor Hotel Asset Company, LLC, for property located at 120 Colorado Boulevard, site of the Holiday Inn, was presented.

Councilmember Katz advised he removed this item from the Consent Calendar related to the Hotel principals. Staff answered questions from Councilmembers.

Motion by Councilmember Katz, seconded by Councilmember O'Connor, to approve staff 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

**RECESS TO SPECIAL
REDEVELOPMENT
AGENCY MEETING**

On order of the Mayor, the City Council recessed at 5:56 p.m., to a special meeting of the Redevelopment Agency and reconvened to the regular City Council meeting at 5:58 p.m., to hear closed sessions and report the following action, with Mayor Pro Tem Shriver and Councilmember Genser absent.

CLOSED SESSIONS:

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: City adv. Shell Oil Company (arbitration regarding compliance with settlement agreement in City of Santa Monica v. Shell Oil Co., Case No. 01CC4331).

ACTION: Heard. No reportable action taken.

2-C: Conference with Legal Counsel - Existing Litigation: Fifth/Arizona Investors, LLC v. City of Santa Monica, 2nd Civ. No. B185512.

ACTION: Not heard.

2-D: Conference with Legal Counsel - Existing Litigation: Jessica and Melin Cardenas v. City of Santa Monica, Case No. BC 342 198.

ACTION: Heard. No reportable action taken.

2-E: Conference with Legal Counsel - Existing Litigation: Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): a challenge to Ordinance Number 2191 (CCS) (affordable housing requirements).

ACTION: Not heard.

2-F: Conference with Legal Counsel - Existing Litigation: Palisades Beach Property Owners Assoc., Inc., et al. v. City of Santa Monica, et al., Case No. BS 103 819.

ACTION: Not heard.

**STUDY SESSION:
HOMELESS UPDATE
REPORT**

3-A: Homeless Update Report.

Consultant and former L.A. County Supervisor Ed Edelman provided an update report on the regional efforts being conducted, and answered questions of Councilmembers.

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

**BIG BLUE BUS
FACILITY EXPANSION**

3-B: Update on BBB Facility Expansion Project

On order of the Mayor, staff presented an update on the expansion project for the Big Blue Bus and answered questions of Councilmembers.

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

SPECIAL ITEMS:

4-A: City Manager P. Lamont Ewell introduced Eileen Fogarty, the new Director of the Planning & Community Development Department, and who will join the City on September 25, 2006.

**STAFF ITEMS:
QUALIFIED MARIJUANA
INITIATIVE**

8-A: Resolution No. 10160 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA PLACING BALLOT MEASURE ON THE NOVEMBER 7, 2006, MUNICIPAL ELECTION MAKING ADULT, PERSONAL USE OF MARIJUANA THE LOWEST LAW ENFORCEMENT PRIORITY," was presented.

Member of the public Nicki La Rosa spoke in support of adopting

the ordinance.

Members of the public Jerry Rubin and Joe Fullmer expressed various concerns related to the proposal.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to adopt resolution, reading by title only and waiving further reading thereof, and designating Councilmembers Katz, Bloom, Genser and Mayor Pro Tem Shriver (or their designees) to author the argument in opposition. The motion was approved by the following vote:

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

**TAXPAYER PROTECTION
CHARTER AMENDMENT**

8-B: Resolution No. 10158 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA PLACING A BALLOT MEASURE ON THE NOVEMBER 7, 2006, MUNICIPAL ELECTION AMENDING THE ARTICLE XXII, THE CITY OF SANTA MONICA TAXPAYER PROTECTION AMENDMENT OF 2000," was presented.

Members of the public Carmen Balber, Sue Griffin, and Bob Stern spoke in opposition to the proposal.

Members of the public Jerry Rubin and Pro Se spoke in support of the proposal.

Motion by Councilmember Holbrook, seconded by Councilmember Katz, to adopt resolution reading by title only and waiving further reading thereof, and designating Councilmembers Bloom, Genser, Katz, and Mayor Pro Tem Shriver (or their designees) to author an argument in support of the measure. The motion was approved by the following vote:

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

CHARTER AMENDMENT

8-C: Resolution No. 10161 (CCS) entitled: "A RESOLUTION

RELATED TO DEPARTMENT HEAD STATUS AND CIVIL SERVICE

OF THE CITY OF SANTA MONICA SUPERSEDING RESOLUTION NO. 10158(CCS), AND PLACING A BALLOT MEASURE ON THE NOVEMBER 7, 2006, MUNICIPAL ELECTION AMENDING VARIOUS SECTIONS OF THE CHARTER RELATED TO APPOINTMENT AND CLASSIFICATION OF DEPARTMENT HEADS; PROCESS FOR NON-PROMOTIONAL RECRUITMENTS; AND TIME LIMITS ON TEMPORARY APPOINTMENTS,” was presented.

There was no one present for public comment.

Motion by Councilmember Katz, seconded by Councilmember O’Connor, to adopt the resolution, reading by title only and waiving further reading thereof, and correcting a typo on Section 3. The motion was approved by the following vote:

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

PIER LEASING GUIDELINES

8-D: Recommendation to approve the updated policy guidelines for the leasehold and license management of City properties located on the Santa Monica Pier, was presented.

Members of the public Sandra Pettit and Ben Franz Knight spoke in support of the recommendation.

Motion by Councilmember Member McKeown, seconded by Councilmember Katz, to approve recommendation.

Motion to amend by Councilmember Bloom, that as to the 250 Building, any Request For Proposals (RFP) incorporate both the restaurant concept that has already been in the RFP’s along with the performance based concept so that there is a potential of getting proposals for either uses. The motion was accepted as friendly. The motion, as amended, was approved by the following vote:

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

PRC WORKPLAN AND BUDGET

8-E: **Recommendation to approve the proposed Pier Restoration Corporation 2006-07 Budget and Work Plan**, was presented.

There was no one present for public comment.

Motion by Councilmember O'Connor, seconded by Councilmember Bloom, 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

BAYSIDE DISTRICT WORKPLAN AND BUDGET

8-F: **Bayside District Corporation's Work Plan and Budget for FY 2006-07, and amendment of By-laws** - recommendation to approve the proposed budget and work plan, and approve the proposed amendments to the By-laws, was presented.

Member of the public Joe Natoli spoke in opposition to the recommendation.

Motion by Councilmember Bloom, 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

COUNCIL ITEMS:

13-A: **Appointment to one special vacancy on the Social Services Commission for a term ending June 30, 2007.**

On order of the Mayor, this matter was continued to September 12, 2006.

13-B: **Annual appointments to the following boards and commissions:**

Board/Commission	Appts.	Term Ending
Bayside District Corporation	1	06/30/2010
Senior Community Comm.	2	06/30/2010
Comm.on Status of Women	1	06/30/2010
Convention & Visitors Bur.	1	06/30/2010
Rec. & Parks Comm.	1	06/30/2010

On order of the Mayor, this matter was continued to September 12, 2006.

**PRO-CHOICE CITY
CAMPAIGN**

13-C: Request of Councilmember McKeown that the City of Santa Monica join our Westside Cities Council of Governments colleagues in West Hollywood as founding members of the Pro-Choice City Campaign, reaffirming our support of reproductive rights including women's right to choose, was presented.

There was no one present for public comment.

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


PUBLIC INPUT:

Members of the public Mike Lavine, Art Casillas and Jerry Rubin expressed various concerns.

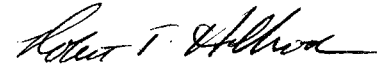
ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 10:07 p.m., in memory of John Smith, a former Assistant Human Resources Director.

ATTEST:


 Maria M. Stewart
 City Clerk

APPROVED:


 Robert T. Holbrook
 Mayor