

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

NOVEMBER 28, 2006

A regular meeting of the Santa Monica City Council was called to order by Mayor Pro Tem Shriver at 6:15 p.m., on Tuesday, November 28, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook (arrived at 6:37 p.m.)
Mayor Pro Tem Bobby Shriver
Councilmember Richard Bloom
Councilmember Ken Genser
Councilmember Kevin McKeown
Councilmember Pam O'Connor

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 Pro Tem, the City Council convened at 6:15 p.m., with Councilmember Katz and Mayor Holbrook absent. Councilmember O'Connor led the assemblage in the Pledge of Allegiance.

CONSENT CALENDAR: The Consent Calendar was presented.

Members of the public Joy Fullmer, Jerry Rubin, Pro Se, Joe Natoli and Autumn Martine commented on various Consent Calendar Items.

At the request of Councilmember Bloom, Item 1-G was removed from the Consent Calendar. At the request of Councilmember Genser, Item 1-A 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 Items 1-A and 1-G, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:
AYES: Councilmembers Bloom, McKeown, O'Connor, Genser,

Mayor Pro Tem Shriver

NOES: None

ABSENT: Councilmember Katz, Mayor Holbrook

**HOMELESSNESS
CONTINUUM OF CARE**

1-B: **Santa Monica Homeless Continuum of Care** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8582 (CCS) with The Urban Institute, in the amount of \$10,000 for a total of \$136,000, for a program and system evaluation of Santa Monica's homeless continuum of care, was approved.

**LEASE - 2715
EXPOSITION/1800
STEWART STREET**

1-C: **Lease Amendment for 2715 Exposition/1800 Stewart Street** - recommendation to authorize the City Manager to negotiate and execute an amendment to existing Lease No. 8654 (CCS) with The Richlar Partnership for property located at 2715 Exposition/1800 Stewart Street, was approved.

**POLICE VEHICLE
EQUIPMENT**

1-D: **Provision of equipment for 120 Police Vehicles** - recommendation to authorize the Purchasing Agent to issue a purchase order, in the amount of \$1,440,000, to Airwave Communications Enterprises, Inc. for equipping up to 120 police vehicles during the next three years, was approved.

**AERIAL LADDER
TRUCK**

1-E: **Purchase of Aerial Ladder Truck** - recommendation to authorize an increase to existing purchase order with KME Fire Apparatus, by an additional amount of \$7,037.33, for an aerial ladder truck, was approved.

**RECYCLED OIL AND
HAZARDOUS WASTE
GRANTS**

1-F: **Resolution No. 10185 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO SUBMIT AND EXECUTE USED OIL RECYCLING AND HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD," was approved.

REFUSE TRUCKS

1-A: **Purchase of refuse trucks** - recommendation to award Bid No. 2914 to Boerner Truck Center, in the total amount of \$884,497.76, to furnish and deliver four refuse trucks, was presented.

*Mayor Holbrook arrived at
6:37 p.m.*

Councilmember Genser advised he removed this item from the Consent Calendar because he had questions and concerns about making this purchase when funds are short and a possible restructuring of the program is being analyzed.

Staff replied to questions from Councilmembers. Discussion ensued.

After considerable discussion, on order of the Mayor and with the consensus of Councilmembers, this item was continued to the meeting of December 5th when staff will return with a cost analysis.

**PROMENADE
RESTROOM PROJECT**

1-G: **Promenade Restroom Pilot Project** - recommendation to authorize proposed budget changes associated with the project; approve a purchase order to Chrysalis in the amount of \$25,642 for supplemental personnel services provided; approve continuation of the project through June 30, 2007; and appropriate \$179,000 in funds as proposed, was approved.

Councilmember Bloom advised he removed this item from the Consent Calendar to clarify issues related to facilities being designated as unisex and the number of staff hours dedicated to staffing the restrooms. Staff answered questions and provided additional information to Councilmembers.

Motion by Councilmember Bloom, seconded by Councilmember Genser, to approve recommendation. 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

CLOSED SESSIONS:

On order of the Mayor, the City Council recessed at 6:57 p.m., to consider closed sessions and returned at 7:52 p.m., with Councilmember Katz absent to report the following:

2-A: **Conference with Real Property Negotiator.**
Property: 1338-42 5th Street
City Negotiator: Miriam Mack
Under Negotiation: Interest in Real Property
Owner of Record: Greyson Bryan

ACTION: Heard. No reportable action taken.

2-B: **Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1): three matters, two involving real property at 1047 11th Street and 161 Ocean Boulevard.**

ACTION: Not Heard.

2-C: Conference with Legal Counsel - Existing Litigation: Jessie Dixon v. City of Santa Monica, Case No. BC 308831.

ACTION: Not Heard.

2-D: Conference with Legal Counsel - Existing Litigation: June Shaw v. City of Santa Monica, Case No. SC 089111.

ACTION: Not Heard.

2-E: Conference with Legal Counsel - Existing Litigation: Peter Withers v. City of Santa Monica, Case No. SC 087 283.

ACTION: Not Heard.

2-F: Conference with Legal Counsel - Existing Litigation: Alfred Reyes v. City of Santa Monica, Case No. SC 088032.

ACTION: Not Heard.

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

ACTION: Heard. No reportable action taken.

2-I: Conference with Legal Counsel - Existing Litigation: Santa Monica Food Not Bombs, etc., et al. v. City of Santa Monica, Case No. CV 03-0032-R (JTLx)

ACTION: Not Heard.

SPECIAL ITEMS:

4-A: Brief report by Governing Board Member Jan Perry on South Coast Air Quality Management District programs, was presented.

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

ORDINANCES:
CHILD CARE

7-A: Introduction and first reading of an ordinance adding Chapter 9.72 to the Municipal Code establishing the child care linkage program, the child care linkage program impact fee, and establishing an adjustment and waiver provision, was presented.

Members of the public Joy Fullmer, Irene Zivi, and Patti Oblath spoke in support of the proposal.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to introduce the ordinance for first reading, reading by title only and waiving further reading thereof, and amended to reflect the proposed changes to Section 9.72.030 as related to the definition of "project"; Section 9.72.040(b)(iii) related to the timing of fee payment; and Section 9.72.050(a) related to fee adjustments or waivers, as outlined in the memorandum from the City Attorney dated November 28, 2006.

Substitute motion by Mayor Holbrook, seconded by Mayor Pro Tem Shriver, to introduce the ordinance for first reading, reading by title only and waiving further reading thereof, and amending the ordinance to remove the residential fee.

Discussion ensued on the effect the substitute motion will have on existing funding and future projects, and on the way the fee program will operate.

After considerable discussion, the substitute motion was withdrawn. The main motion was approved by the following vote:

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

**CULTURAL ARTS
REQUIREMENT**

7-B: Introduction and first reading of an ordinance adding Sections 9.04.10.20 et seq., to Chapter 9.04 of the Municipal Code establishing the Private Developer Cultural Arts Requirement, and establishing an appeal provision; and adopt a resolution establishing the average square foot cost of construction for determining compliance with the Private Developer Cultural Arts Requirement, was presented.

The following members of the public spoke in support of the proposal: Joy Fullmer, Suchi Branfman, Frederick Dewey, Tom Grode, Phyllis

Green, Jerry Rubin, and Maya Emsden.

Deputy City Attorney Alan Seltzer proposed some technical amendments to the ordinance as follows:

“1. Change definition of Project in Section 9.72.030 (“Definitions”) to ensure applicability to adaptive reuse projects that increase child care demand and, in particular, projects previously found eligible for a waiver or adjustment that are remodeled in a manner that increases child care demand:

“**Project.** Office, retail, hotel development having a gross new or additional floor area of 7500 square feet or more or that changes an existing use to a different use that increases the demand for child care spaces, or residential development of improved or unimproved land which conforms to development approvals and requirements of the Santa Monica Municipal Code, regardless of the nature of the project, e.g., developing undeveloped land, ~~converting an existing use to a different use that increases the demand for child care spaces~~, expanding a use. Gross floor area for the purposes of this definition shall be the same as Santa Monica Municipal Code Section 9.04.02.030.315 but shall also exclude parking area. Where the requirements of this Chapter have been adjusted or waived for a Project pursuant to Section 9.72.050 hereof, subsequent changes in use, project remodels or tenant improvements that increase the demand for child care facility spaces shall constitute a Project as defined herein.

“2. Change to conform Section 9.72.040(b)(iii) (Timing of Fee Payment) to Government Code §66007(b) (Mitigation Fee Act):

(iii) For all projects subject to this Chapter, the City ~~shall~~ may require the payment of fees at an earlier time if the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has adopted a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the City for expenditures previously made.

“3. Change to specify grounds for adjustment or waiver that are appropriate to the subsequent adjudicative project stage of the fee imposition process and provide an example of grounds for an adjustment or waiver in Section 9.72.050(a) (Fee Adjustments or Waivers):

(a) A developer of any Project subject to the fee described in Section 9.68.040(a) may request that the requirements of this Chapter be adjusted or waived based upon the absence of a reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged, ~~the type of facilities to be financed~~, or the type and cost of the facilities to be established or constructed in lieu of fee through participation. The grounds for such request may include, but are not limited to, circumstances where the particular design and use of the

workspace building area prevent the proposed Project from generating the demand for child care facility spaces in the amount of the Child Care Linkage fee required by this Chapter.”

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Shriver, to introduce the ordinance reading by title only and waiving further reading thereof, with the proposed amendments stated by Mr. Seltzer. 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

At the request of the City Attorney, and on order of the Mayor, the resolution was continued to the following meeting for adoption at the same time the ordinance is adopted.

**LIMIT ON HOTEL
GUEST ROOMS**

7-C: Introduction and first reading of an ordinance amending Municipal Code Section 9.04.08.06.020 to increase the limitation on the number of guest rooms that can be added to an existing hotel in the R2 and the R3 Districts, was presented.

Member of the public Chris Harding spoke in support of the ordinance.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to introduce the ordinance, 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 Pro Tem Shriver, Mayor Holbrook
NOES: None
ABSENT: Councilmember Katz

RESOLUTIONS:

11-A: Resolution changing the type of restrictions for Preferential Parking Zone N - recommendation to adopt Resolution No. 10186 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA CHANGING THE TYPE OF RESTRICTIONS FOR PREFERENTIAL PARKING ZONE N, BOUNDED BY 19TH STREET, SANTA MONICA BOULEVARD, 14TH STREET, AND WILSHIRE BOULEVARD, TO BE “NO PARKING 9AM-2AM MONDAY-SATURDAY AND NO PARKING 3PM-2AM SUNDAY, EXCEPT BY PERMIT,” was presented.

Members of the public Patrick Hernandez, Marie Standing, Cathy Milliken, Blair Calderhead, Ken Farrell, Kelly Farrell, and Don Cohen spoke in support of the proposal.

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

NOES: None

ABSENT: Councilmember Katz

COUNCIL ITEMS:
LOCAL CAMPAIGN
FINANCE REFORM

13-A: Request of Councilmember McKeown to direct staff to analyze donation and expenditure information from the city election campaign just completed, incorporate it into previous studies of Santa Monica local campaign finance reform, and return to Council with options, including the convening of a resident "clean money" task force to recommend possible Council actions, was presented.

Members of the public Carmen Balber, Bob Stern, and Brandon Marlewe spoke in support of the request.

Considerable discussion ensued on the merits of the request, the process, and the timing needed to put the matter to the voters in advance of the November 2008 election.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to direct staff to prepare for a January or February 2007 public hearing on comprehensive and coordinated campaign finance reform including clarification of Article XXII (the Oaks Initiative), a broader application of contribution limits if legal (as they apply to PACs), creation of a structure for public financing of campaigns (including discussion of how it will be funded), and involvement of the community and local experts in the process. In addition, staff to return with information on the current local contribution limits. The motion was unanimously approved by voice vote, with Councilmember Katz absent.

**SOUTHWEST
CORRIDOR
REPRESENTATIVE**

13-B: Request of Councilmember McKeown to support Councilmember Pam O'Connor in candidacy for reappointment as the Southwest Corridor Representative to the Metro Board, and direct staff to take all appropriate actions to convey Santa Monica's support and to encourage other jurisdictions, including the South Bay Cities Council of Governments and the Los Angeles County City Selection Committee, to likewise support Councilmember O'Connor's reappointment, was presented.

Member of the public Pro Se spoke in opposition of the request.

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

RESIGNATION

13-C: Recommendation to accept Marilyn Korade-Wilson's letter of resignation from the Commission for the Senior Community and direct the City Clerk to publish the vacancy, was presented.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to accept recommendation with regrets. The motion was unanimously approved by voice vote, with Councilmember Katz absent.

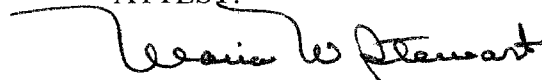
PUBLIC INPUT:

Members of the public M. Ross, Pro Se, and Art Casillas shared concerns on various issues.

ADJOURNMENT:

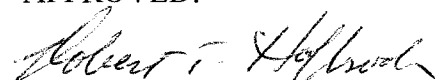
On order of the Mayor, the City Council meeting was adjourned at 10:41 p.m., to December 5, 2006, at 5:45 p.m..

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Robert T. Holbrook
Mayor