

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

OCTOBER 10, 2006

A regular meeting of the Santa Monica City Council was called to order by Mayor Holbrook at 6:04 p.m., on Tuesday, October 10, 2006, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Robert T. Holbrook
Mayor Pro Tem Bobby Shriver (arrived at 6:09 p.m.)
Councilmember Richard Bloom
Councilmember Ken Genser
Councilmember Herb Katz
Councilmember Kevin McKeown
Councilmember Pam O'Connor (arrived at 10:51 p.m.)

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 6:04 p.m., with Councilmember O'Connor and Mayor Pro Tem Shriver absent. Don Patterson, Assistant to City Manager, 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.

Member of the public Joey Fullmer expressed various concerns.

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

Mayor Pro Tem Shriver arrived at 6:09 p.m. AYES: Councilmembers Bloom, Katz, McKeown, Genser, Mayor Holbrook
NOES: None
ABSTAIN: Mayor Pro Tem Shriver
ABSENT: Councilmember O'Connor

MINUTES

1-A: **The minutes** of the August 8, 2006, City Council meeting, were approved as submitted.

**PIER CAROUSEL
EVENTS**

1-B: **Special events at the Santa Monica Pier Carousel** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8639 (CCS) with Kid's Play, to promote, book and supervise special events and filming at the Pier Carousel, was approved.

CATCH BASIN DEVICES

1-C: **Installation of catch basin trash excluder devices** - recommendation to authorize the City Manager to negotiate and execute Agreement No. 8640 (CCS) with L.A. County Flood Control District to allow installation of 141 catch basin trash excluder devices in City-owned basins, was approved.

PIER REPAIR

1-D: **Pier structural rehabilitation and repair project** - recommendation to waive competitive bidding and authorize the City Manager to negotiate and execute an amendment to existing Contract No. 8621 (CCS) with John S. Meek Company, in the amount of \$484,760, to complete additional work for the project, was approved.

**AIRPORT NOISE
MONITORING**

1-E: **Airport noise monitoring system upgrades** - recommendation to authorize the City Manager to negotiate and execute a second amendment to existing Contract No. 8015 (CCS) with BAE Systems, in the amount of \$15,000, for upgrades to the noise monitoring system, was approved.

MEA RESOLUTION

1-F: **Resolution No. 10170 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MUNICIPAL EMPLOYEES ASSOCIATION,"** was adopted.

STA RESOLUTION

1-G: **Resolution No. 10171 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SUPERVISORY TEAM ASSOCIATES,"** was adopted.

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: 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: Heard. No reportable action taken.

2-C: Conference with Legal Counsel - Existing Litigation: Ruth Burke v. City of Santa Monica, Case No. SC 087 916.

Motion by Councilmember McKeown, seconded by Councilmember Bloom, to approve settlement of \$55,000 for a trip and fall case. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember O'Connor

2-D: Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): three matters involving real property at 1047 11th Street, 1940-44 Cloverfield Boulevard, and 161 Ocean Park Boulevard.

ACTION: Heard. No reportable action taken.

**2-E: Conference with real property negotiator:
Property: 120 Colorado Avenue
City Negotiator: Miriam Mack
Under negotiation: Interest in Real Property
Owner of Record: Felcor Hotel Asset Company**

ACTION: Heard. No reportable action taken.

**2-F: Conference with real property negotiator:
Property: 2715 Exposition Boulevard/1800 Stewart Street
City Negotiator: Miriam Mack
Under negotiation: Interest in Real Property
Owner of Record: Richlar Partnership Lease**

ACTION: Heard. No reportable action taken.

2-G: Conference with Legal Counsel – Existing Litigation: Fifth/Arizona Investors, LLC v. City of Santa Monica, LASC Court Case No. SC083204, Court of Appeals Case No. B185512.

ACTION: Heard. No reportable action taken.

2-H: Conference with Legal Counsel - Existing Litigation: Roman Bruno, et al. v. City of Santa Monica, Case No. SC 086 511.

ACTION: Heard. No reportable action taken.

STUDY SESSION:

3-A: Big Blue Bus Facility Expansion Project – Revised Plan.

On order of the Mayor, the information received and filed. Staff was directed to return with more information.

ADMINISTRATIVE PROCEEDINGS:

6-A: Appeal of Planning Commission's denial of development review and vesting tentative map for proposed 16-unit condominium project at 1940-44 Cloverfield Blvd. - recommendation to adopt Resolution No. 10172 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT"; adopt Resolution No. 10173 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA MAKING NECESSARY CEQA FINDINGS, APPROVING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING A MITIGATION MONITORING PROGRAM"; and approve appeal, development review and vesting tentative tract map, was presented.

Chris Harding, representing the applicant/appellant, and Steve Torkian, principal, spoke in support of the project.

Members of the public Joey Fullmer, James Small, Lawrence Primo and Penny Primo spoke in opposition of the project.

Chris Harding provided a rebuttal to comments made during public comment.

Discussion ensued on the merits of the project, on the appellant/applicant's presentation, and comments made by member of the public.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to adopt Resolution No. 10172 (CCS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember Katz, seconded by Mayor Holbrook, to adopt Resolution 10173 (CCS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Councilmember McKeown stated he voted against the motion because of a desire to leave the Planning Commission with maximum flexibility on this matter.

Motion by Councilmember Katz, seconded by Councilmember Genser, to return the project to the Planning Commission to act on the tentative tract map and development review permit, and specifically to look at the court yard, location of driveway, and the traffic impact in the surrounding neighborhood; and then proceed with normal channels to the Architectural Review Board to look at the design. The motion was approved by the following vote:

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

ORDINANCES:

PROHIBITION ON CITY EMPLOYEES SERVING ON CITY BOARDS/ COMMISSIONS

7-A **Second reading and adoption of Ordinance No. 2209 (CCS) entitled:** "AN ORDINANCE OF THE CITY OF SANTA MONICA ADDING SECTION 2.32.280 TO THE MUNICIPAL CODE TO PROHIBIT CITY EMPLOYEES FROM SERVING ON LEGISLATIVE BODIES WHOSE MEMBERS ARE ALL APPOINTED BY THE CITY COUNCIL," was presented.

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

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

**NO SMOKING AT
OUTDOOR DINING
AREAS, ETC.**

7-B: Introduction and first reading of an ordinance amending Chapter 4.44 of the Municipal Code to prohibit smoking at all outdoor dining areas, outdoor service areas, areas within 20 feet of entrances, exits or open windows of buildings open to the public, the Third Street Promenade, and Farmers Markets, was presented.

The following members of the public spoke in support of the proposed ordinance: Jessica Zovar, Alan Zovar, Dian Kiser, Esther Schiller, Jerry Rubin, Robert Donin, Beth Miller, Neil Carrey, Marlene Gomez, Robert Berger, Lou Moench, William McCarthy, Pro Se, Nick Bhatt, Jennifer Sandowsky, Colleen Callahan, Jean Ann Bruster, Sherwood Kingsley, Aleece Kelly, Marc Strassman, Steven Gallegos, Willow Evans, Jennifer Conrad, and Aria Khanbarhani.

The following members of the public spoke against the proposed ordinance: Kelley Wallace, James Jacobson, and Bruce Cameron.

Discussion ensued on the merits of the proposed ordinance, on the comments made by members of the public and on whether to change the term "open windows" to "operable windows" or just "windows."

Motion by Councilmember Bloom, seconded by Councilmember Katz, to introduce ordinance as proposed by staff, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**TEMPORARY TENANT
RELOCATION
BENEFITS**

7-C: Introduction and first reading of an ordinance amending Sections 4.36.100 and 4.36.120 relating to temporary tenant relocation benefits, was presented.

*Councilmember O'Connor
arrived at 10:51*

Deputy City Attorney Adam Radinsky, after presenting the ordinance, advised he was recommending the following change to the proposed ordinance: Delete the sentence in subsection 2 of page 3 that reads, "Should the temporary housing be more expensive than the tenant's

existing housing, the landlord shall be responsible for the cost differential between the rent that the displaced tenant pays for his/her unit and the cost of the temporary housing,” and replace it with the following sentence, “The landlord shall pay all costs associated with the temporary housing including rent even if the temporary housing is more expensive than the tenant’s existing unit. The tenant shall remain responsible to pay rent to the landlord for the tenant’s existing unit during the period of displacement.”

There was no one present for public comment.

Discussion ensued related to why the need for compensation for meals if there are cooking facilities available, laundry, and accommodation for pets. It was the consensus of Council to temporarily table this matter to allow staff to come up with appropriate language.

STAFF ITEMS:
SUSTAINABLE CITY PLAN

8-A: Adoption of Sustainable City Plan - recommendation to adopt the Sustainable City Plan Implementation Plan; adopt recommendations to amend the Sustainable City Plan by Task Force on the Environment; and adopt staff recommendations to amend the plan and update the indicators and targets, including the adoption of a target for greenhouse gas emission reductions, was presented.

On order of the Mayor, this matter was continued to October 24, 2006.

PUBLIC HEARINGS:

Mayor Pro Tem Shriver and Councilmember Katz were excused at 10:55 p.m.

9-A: Public hearing on proposed Street Lighting Assessment District for 30th Street (between Pico and Pearl), and Georgina Avenue (between 4th and 7th Sts.) - recommendation to hold a public hearing regarding the formation of Assessment Districts A and B; close the public hearing and direct the City Clerk to accept the ballots submitted, tabulate the vote, and present the results at the November 14, 2006, Council meeting, was presented.

Members of the public Alvin Crown and Ross Saha spoke in opposition to the assessment district. Members of the public John Carlson and Aimee Goldberg spoke in support of the proposal. Member of the public William Henry expressed various concerns.

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

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

**TEMPORARY TENANT
RELOCATION
BENEFITS
(CONTINUED)**

7-C: Introduction and first reading of an ordinance amending Sections 4.36.100 and 4.36.120 relating to temporary tenant relocation benefits, was presented.

On order of the Mayor, this matter was returned to the table for consideration.

The City Attorney read into the record the following changes to the ordinance:

Beginning with the last word on page 2 of the ordinance to read: "The landlord shall also provide the tenant compensation for (a) meals if the temporary accommodations lack cooking facilities; (b) laundry; and (c) accommodations for pets legal under the tenancy if the temporary accommodation does not accept pets."

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to introduce the ordinance amended to include the language just read into the record by the City Attorney, and the language read into the record by Mr. Radinsky at the beginning of this matter. The motion was approved by the following vote:

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

WRITTEN REQUESTS:

12-A: Request of Walt Davis for enforcement of the noise and the street performers' ordinances as it relates to the amount of space used, and the level of noise produced, by breakdancers, was presented.

Member of the public Michael LeRoy expressed concerns related to the noise enforcement.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to direct staff to return with related information. The motion was unanimously approved by voice vote, with Councilmember Katz and Mayor Pro Tem Shriver absent.

COUNCIL ITEMS:

13-A: Request of Councilmember Bloom that the City report on progress of review of safety and other measures being considered for Ocean Park Boulevard in the vicinity of 16th Street, was presented.

Members of the public Zina Josephs and Emmalie Hodgins spoke in support of the request.

Motion by Councilmember Genser, seconded by Councilmember Bloom, that the police department provide concentrated enforcement efforts in the area and direct staff to seek short-term solutions. The motion was unanimously approved by voice vote, with Councilmember Katz and Mayor Pro Tem Shriver absent.

13-B: Annual appointments to the following Boards and Commission:

Board/Commission	No./Appts	Term Ending
Bayside District Corp.	1	06/30/2010
CVB	1	06/30/2010
Comm./Senior Community	2	06/30/2010
Arts Commission	1	06/30/2010

On order of the Mayor, the Bayside District and Convention & Visitors Bureau appointments were continued to October 24; and the appointment to the Senior Community was continued to December 12.

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

Councilmember McKeown nominated Angie Kim. Ms. Kim was appointed by acclamation with Councilmember Katz and Mayor Pro Tem Shriver absent.

**FUNDS FOR S.M.
SYMPHONY CONCERT**

13-C: Request of Mayor Holbrook that Council consider a request from the Martin Luther King Jr. Westside Coalition for additional funds to support a free concert by the Santa Monica Symphony on Martin Luther King Day, January 15, 2007, presented.

Members of the public Dale Bell, Nat Trives and Clyde Smith spoke in support of the request.

Motion by Councilmember Genser, seconded by Mayor Holbrook, to fund \$22,500 with the condition that proponents will work with staff on clarifying the process and the economics of the project.

Motion to amend by Councilmember Bloom, that the funding be subject to the Coalition submitting a written budget, a written description for the use of funds, and what the milestones are in the process. The motion was accepted as friendly. The motion was unanimously approved by voice vote, with Councilmember Katz and Mayor Pro Tem Shriver absent.

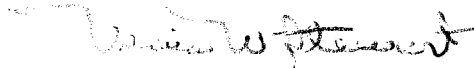
PUBLIC INPUT:

Member of the public Pro Se expressed various concerns.

ADJOURNMENT:

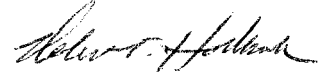
On order of the Mayor, the City Council meeting was adjourned at 12:39 a.m., in memory of Olga Dad.

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Robert T. Holbrook
Mayor