

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

APRIL 24, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 5:53 p.m., on Tuesday, April 24, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Richard Bloom
Mayor Pro Tem Herb Katz
Councilmember Ken Genser (arrived at 6:06 p.m.)
Councilmember Robert T. Holbrook
Councilmember Kevin McKeown
Councilmember Pam O'Connor

Absent: Councilmember Bobby Shriver

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 5:53 p.m., with all members present. City employee Paul Casey 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 related to Consent Calendar items.

On order of the Mayor, and at the request of staff, Item 1-J was withdrawn from the Consent Calendar. At the request of Councilmember McKeown, Item 1-I was removed from the Consent Calendar.

Motion by Mayor Pro Tem Katz, seconded by Councilmember Holbrook, to approve all items on the Consent Calendar as presented except Items 1-I and 1-J, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINUTES

1-A: **The minutes** of the March 20, 2007, City Council meeting were approved as submitted.

2018 19th STREET

1-B: **Resolution No. 10208 (CCS) entitled**, "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 54355 FOR A 5-UNIT AFFORDABLE HOUSING CONDOMINIUM PROJECT AT 2018 19TH STREET," was adopted.

907 18TH STREET

1-C: **Resolution No. 10209 (CCS) entitled**: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 63166 FOR A 4-UNIT CONDOMINIUM PROJECT AT 907 18TH STREET," was adopted.

919 17TH STREET

1-D: **Resolution No. 10210 (CCS) entitled**: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 63167 FOR A 4-UNIT CONDOMINIUM PROJECT AT 919 17TH STREET," was adopted.

DIAL-A-RIDE

1-E: **Extension of Dial-A-Ride Paratransit Contract** – recommendation to extend Contract No. 8339 (CCS) with Dial-A-Ride Paratransit on a month-to-month basis, in the amount of \$410,000, for a period not to exceed eight months, was approved.

CAMPS & CLASSES

1-F: **Specialty Sports Camps and Classes** – recommendation to authorize City Manager to negotiate and execute Agreement No. 8706 (CCS) with Surf Academy, for a total not to exceed \$240,000, and Agreement No. 8707 (CCS) with Socceropolis, for a total not to exceed \$125,000, for the fiscal year 2007-08 to conduct specialty sports camps and classes, was approved.

**CEMETERY MGMT.
SYSTEM**

1-G: **Cemetery Management System** – recommendation to approve purchase order with FPA Software, in the amount of \$82,005, for licensing associated with the installation of a data management system for Woodlawn Cemetery and to appropriate an additional \$41,005 from the Cemetery Fund balance to fund the purchase, was approved.

**URBAN RUNOFF
REDUCTION**

1-H: **Implementation of best management practices to reduce urban runoff pollution** – recommendation to authorize the City Manager to execute Memorandum of Agreement No. 8708 (CCS) with

neighboring municipalities who are parties to the Bacterial Total Maximum Daily Load Implementation Plan, to implement best management practices to comply with the Plan requirements at an annual cost of \$283,195, was approved.

AIRCRAFT CONFORMANCE PLAN

1-I: Provision of legal services for implementation of Aircraft Conformance Program – recommendation to authorize the City Manager to negotiate and execute an amendment to Agreement No. 150 (CD) with Kaplan, Kirsch & Rockwell LLP, in the amount of \$195,500, for the implementation of the Airport Conformance Program, was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar to ask when staff would be returning to Council for further direction and input. Staff responded to Councilmembers' questions.

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

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

SB 2 (CEDILLO)

1-J: Recommendation to adopt legislative position regarding SB 2 (Cedillo) relative to fair share homeless housing and shelters.

On order of the Mayor, and at the request of staff, this matter was withdrawn from the Consent Calendar.

CLOSED SESSIONS:

Councilmember Genser arrived 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 7:05 p.m., with Councilmember Shriver absent, to report the following action taken:

2-A: Public Employee Evaluations.
Title of Employees: City Attorney, City Clerk

ACTION: Not Heard.

2-B: Conference with Legal Counsel - Existing Litigation. Brian Lane v. City of Santa Monica, Case No. SC 090 918a.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to approve Settlement No. 8709 (CCS) in the amount of \$30,000. The motion was approved by the following vote:

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

2-C: Conference with Legal Counsel - Existing Litigation. Dorothy Stallone v. City of Santa Monica, Case No. SC 089 899.

Motion by Mayor Pro Tem Katz, seconded by councilmember O'Connor, to approve Settlement No. 8710 (CCS) in the amount of \$142,500. The motion was approved by the following vote:

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

2-D: Conference with Legal Counsel – Existing Litigation. Leopold Laine v. City of Santa Monica, Federal District Court Case No. CV06-4933.

ACTION: Heard. No reportable action taken.

2-E: 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-F: Conference with Legal Counsel - Existing Litigation. Shopper Shuttle, LLC v. City of Santa Monica, et al., Case No. CV 06-07977 SVW (FFMx).

ACTION: Heard. No reportable action taken.

2-G: Conference with Legal Counsel - Existing Litigation. City of Santa Monica, et al. v. City of Los Angeles (Playa Vista), Case No. B189630.

ACTION: Heard. No reportable action taken.

2-H: Conference with Legal Counsel – Existing Litigation: Malibu Broadbeach LLC v. City of Santa Monica, Case No. SS 013394.

ACTION: Heard. No reportable action taken.

2-I: Conference with Legal Counsel - Anticipated Litigation. Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): one dispute involving real property at 843 4th St.

ACTION: Not Heard.

2-J: Existing Litigation. Two requests for the City to participate as amicus in pending litigation: In re [Same Sex] Marriage Cases (First Dist. Nos. A110449-51); Garden Grove v. Superior Court (4th Dist. No. G036250 - medical marijuana case).

ACTION: Heard. No reportable action taken.

STUDY SESSION:

3-A: Homeless Update.

On order of the Mayor, an update report on the City's efforts to provide assistance and services to the homeless population was presented.

Members of the public Joey Fullmer, Lucas Bennett and Jerry Rubin commented on various homeless-related issues.

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

SPECIAL ITEMS:

4-A: A proclamation declaring May 2007 as *Older Americans Month* in the City of Santa Monica was issued by Mayor Bloom on behalf of all Councilmembers.

**ADMIN. ITEMS:
2219 OCEAN AVE.**

6-A: Appeal of Landmarks Commission Designation of property at 2219 Ocean Avenue as a City Landmark – recommendation that City Council uphold the appeal and deny the Landmark designation of the property at 2219 Ocean Avenue. Appellant: University of Illinois Foundation

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

**ORDINANCES:
NONCONFORMING
NEIGHBORHOOD
MARKETS**

7-A: Second reading and adoption of Ordinance No. 2224 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING SECTIONS 9.04.14.080 AND 9.04.02.030.370 OF THE MUNICIPAL CODE TO ALLOW THE PLANNING COMMISSION, OR CITY COUNCIL ON APPEAL, TO MODIFY THE SPECIAL CONDITIONAL USE PERMIT STANDARDS FOR EXISTING NONCONFORMING NEIGHBORHOOD MARKETS, was presented.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Katz, to adopt ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**1333-1337 DEVELOP-
MENT AGREEMENT**

7-B: Resolutions and ordinance for Development Agreement to allow a 73-room hotel at 1333-1337 Ocean Avenue - recommendation to adopt Resolution No. 10211 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT"; adopt Resolution No. 10212 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AFTER MAKING NECESSARY CEQA FINDINGS, AND ADOPTING A MITIGATION MONITORING PLAN; and introduction and first reading of an ordinance approving a Development Agreement to allow development of a 73-room hotel at 1333-1337 Ocean Avenue which includes the adaptive re-use of two landmark properties, subject to recommended amendments to the building design; and amendments to the Development Agreement as proposed in the report. The project will contain a total of approximately 41,810 square feet over an approximately 129 space subterranean garage. The project includes the demolition of two commercial buildings on site and the re-location of one of the landmark buildings, the Victorian, to create a publicly accessible plaza in the center of the site, was presented.

Mayor Pro Tem Katz was excused at 7:34 p.m.

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

Tom Larmore, representing the applicant, spoke in support of the proposed Development Agreement.

Member of the public Roger Holt spoke in opposition to the proposal and expressed concerns regarding the effects of the excavation of the foundation upon adjacent structures.

Members of the public Jerry Rubin and Jim Lynch spoke in support of the project.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to adopt Resolution No. 10211 (CCS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Councilmember Genser to adopt Resolution No. 10212 (CCS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember Genser, seconded by Councilmember McKeown, to introduce ordinance for first reading, reading by title only and waiving further reading thereof, amending the development agreement as follows: Include staff's recommended language on page 14 of the staff report relating to LEEDS certification; add Mr. Larmore's proposed Condition 67 re the Gussie Moran House clarifying that last section (b) is the obligation of the developer; that Landmarks Commission will pay special attention to the materials and design details of the new facade to ensure harmony and connection between the historic buildings and the new design; and modify condition regarding staff review of the fritted glass to add "if any." The motion was approved by the following vote:

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

**VIDEO COMPETITION
ACT OF 2006**

*Mayor Pro Tem Katz
returned at 8:31 p.m.*

7-C: Introduction and adoption of Emergency Ordinance No. 2225 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA ADDING CHAPTER 6.109 TO THE SANTA MONICA MUNICIPAL CODE TO IMPLEMENT PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, PUBLIC UTILITIES CODE SECTION 5800 ET SEQ. WHICH AUTHORIZES THE PUBLIC UTILITIES COMMISSION TO ISSUE STATEWIDE VIDEO SERVICE FRANCHISES THAT INCLUDE THE CITY OF SANTA MONICA," was presented.

Member of the public Joe Natoli expressed his views on the proposal.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to introduce and adopt the revised draft of the ordinance as presented by staff, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**SRO - DEVELOPMENT
REVIEW THRESHOLDS**

7-D: Introduction and adoption of Emergency Interim Ordinance No. 2226 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA TO MODIFY THE DEVELOPMENT REVIEW THRESHOLDS, INCLUDING ESTABLISHING A DISCRETIONARY REVIEW PROCESS FOR SINGLE ROOM OCCUPANCY DEVELOPMENTS THROUGHOUT THE CITY AND FOR ALL DEVELOPMENT PROJECTS IN THE LIGHT MANUFACTURING AND STUDIO DISTRICT, THAT MEET CERTAIN CRITERIA, CONSIDERATION OF CONDITIONAL USE PERMIT PROCESS FOR SINGLE ROOM OCCUPANCY DEVELOPMENT, AND CONSIDERATION OF PEDESTRIAN-ORIENTED DESIGN STANDARDS AND/OR USES FOR PROJECTS LOCATED IN THE BROADWAY COMMERCIAL DISTRICT, was presented.

Member of the public Joey Fullmer expressed various concerns. Members of the public Ben Reznik, Derek Jones, Wade Killefer, and Neil Shekhter spoke in support of their existing projects and expressed concerns relative to the impacts the proposal may have on existing projects.

Discussion ensued on the merits of the proposal and the impacts on neighborhoods, development projects, and the relationship to the ongoing

land use and circulation element analysis by staff.

Motion by Mayor Pro Tem Katz, seconded by Councilmember Genser to introduce and adopt the ordinance, amending Section 2 as follows: “Notwithstanding the exemptions from the Development Review thresholds specified in the Santa Monica Municipal Code Section 9.04.10.14.050 (a), and the thresholds for the Development Review in Santa Monica Municipal Code Sections 9.04.08.15.060 (d), 9.04.08.18.060 (g), and 9.04.08.20.070(g), a Development Review permit shall be required for any development that exceeds 50 units.” In addition, the following language would be added to the end of Finding O: “Development Review process is designed to ensure the preservation of peace, health and safety of the community by requiring affirmative findings that health and safety services, police, fire, etc., automobile and pedestrian right-of-ways and public infrastructure is sufficient to accommodate new development.” The motion, as amended, was approved by the following vote:

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

STAFF ITEMS:
PROPOSED STATE
LEGISLATION

8-A: Recommendation to adopt support positions on various State bills related to preservation and provision of affordable housing and protection of tenant rights, was presented.

Members of the public Jack Waddington, Tom Baxter, Catherine Eldridge, David Lathan and Rose Kendall spoke in support of legislation related to the protection of tenants.

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

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

FACILITIES-USE
AGMT. - SMMUSD

8-B: Master Facility Use Agreement with Santa Monica-Malibu Unified School District - recommendation that City Council review and approve the recommendations of the Adjustment Conference Committee to increase the City’s base payment to the Santa Monica Malibu-Unified

School District by \$750,000, for a total of \$7.2 million next fiscal year.

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

**BBB MAINTENANCE
BUILDING**

8-C: Big Blue Bus Maintenance Building and Site Improvements - recommendation to activate phase two of the design build Contract No. 8592 (CCS) with Morley Construction Company for construction of the project; and approve a guaranteed maximum price amendment to the contract in the amount of \$57,711,124 plus a 10% contingency, was presented.

There was no one present for public comment.

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

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

**BAYSIDE DISTRICT
CORPORATION**

8-D: Proposed changes to Bayside District Corporation Structure (BDC), Downtown Management and Business Assessments and proposed Loan to BDC- recommendation to review draft Downtown Management Framework and provide direction to staff and BDC; direct staff to assist the BDC in implementing the new strategy for assessment and governance; and authorize the City Manager to negotiate Loan Agreement No. 8711 (CCS) with BDC in the amount of \$80,000, to retain a consultant to prepare studies and documents needed to implement the program, was presented.

Members of the public Jerry Rubin, Joe Natoli and Arthur Harris expressed various concerns related to the proposal.

Members of the public Bill Tucker, Janet Morris, Jennifer Hranilovich and Vivian Benjamin spoke in support of the proposal.

Motion by Councilmember Genser, seconded by Mayor Bloom, to approve funding with direction to staff to work with the Bayside on the details of the plan, with the understanding that the governance model be based on the Convention and Visitors model, that the City shall have control over services on public spaces, and that standards may be implemented should private services be required in public property.

Motion to amend by Councilmember McKeown, to add that existing City jobs not be privatized. The motion was accepted as friendly by the maker and seconder. The motion, as amended, was approved by the following vote:

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

SUPERMARINE LEASE

Mayor Pro Tem Katz was excused at 11:15 p.m.

8-E: Sale of partnership interests in Supermarine of Santa Monica LP at Santa Monica Airport - recommendation to direct the City Manager to review the proposed sale of the partnership interests and approve the sale if the transaction meets the lease guidelines; and review and approve the Commercial Operations Permits for Supermarine of Santa Monica, Supermarine Investors and Aviation Contract Services as recommended in the report, was presented.

There was no one present for public comment.

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

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

REDEVELOPMENT AGENCY 5-YEAR PLAN

On order of the Mayor, the City Council recessed its regular meeting and convened to a joint meeting with the Redevelopment Agency at 11:35 p.m., with Councilmember Shriver and Mayor Pro Tem Katz absent.

SPECIAL JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

8-F: Mid-term Report of the Redevelopment Agency's FY 2004-05 through FY 2008-09 Five Year Implementation Plan – recommendation to hold a public hearing on the Mid-term Report for the Agency's Five-Year Implementation Plan; receive and file the mid-term report; and conceptually approve the proposed long-term prioritization of Agency resources, was presented.

There was no one present for public comment.

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

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

ADJOURNMENT OF JOINT MEETING

On order of the Mayor, the Special Joint Meeting was adjourned at 11:42 p.m., and the regular City Council meeting reconvened, with Councilmember Shriver and Mayor Pro Tem Katz absent.

**COUNCIL ITEMS:
VETERANS FOR PEACE**

13-A: Request of Councilmember McKeown that the City Council endorse the peace education activities of Veterans for Peace Los Angeles, organizers of the Arlington West memorial at Santa Monica Pier, and their upcoming "Americans for Peace 2007" tour of the West Coast, was presented.

Member of the public Jerry Rubin spoke in support of the request.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve request. The motion failed by voice vote, with Councilmember O'Connor voting in opposition, Mayor Bloom abstaining, and Mayor Pro Tem Katz and Councilmember Shriver absent.

EXPOSITION LIGHT RAIL

13-B: Request of Mayor Pro Tem Katz and Councilmember O'Connor to create an Exposition Light Rail Working Group to provide unified City input to the Exposition Light Rail Construction Authority regarding planning issues. As the Exposition Construction Authority's Boardmember/Alternate from Santa Monica, Councilmember O'Connor and Mayor Pro Tem Katz would be appointed to lead this Working Group. The Working Group would focus on local issues such as placement of stations (proposed for Bergamot and downtown), location of a 3rd station, transit connectivity, pedestrian connectivity, parking, and other related issues, was presented.

Member of the public Darrell Clarke spoke in support of the request.

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

approve request.

Discussion ensued on the merits of the request and on the process. After considerable discussion, Councilmember O'Connor withdrew her motion.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to direct staff to find ways to conduct public outreach on the best model or process for the City to reach the milestones of the project and to maintain the City Council up to date on progress. The motion was unanimously approved by voice vote, with Councilmember Shriver and Mayor Pro Tem Katz absent.

OLYMPIC/PICO ONE-WAY TRAFFIC

13-C: Request of Mayor Bloom that City Staff review the "Olympic/Pico One-Way Pair Initial Feasibility Report" prepared by Allyn D. Rifkin, P.E. for Supervisor Zev Yaroslavsky, provide initial analysis and comment and proceed to obtain public review and comment, was presented.

There was no one present for public comment.

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

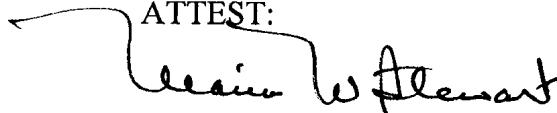
PUBLIC INPUT:

Member of the public Art Casillas expressed various concerns regarding safety and the Police Department.


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 12:13 a.m., in memory of Ted Walters and Perry O'Brien.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor