

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

MAY 8, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 6:05 p.m., on Tuesday, May 8, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Richard Bloom
Councilmember Ken Genser
Councilmember Kevin McKeown
Councilmember Bobby Shriver

Absent: Mayor Pro Tem Herb Katz
Councilmember Robert T. Holbrook
Councilmember Pam O'Connor

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 6:05 p.m., with Councilmembers Holbrook, O'Connor, and Mayor Pro Tem Katz absent. City Manager Lamont Ewell 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 discussed her concerns related to Consent Calendar items.

At the request of the City Manager, Item 1-D was removed from the Consent Calendar.

Motion by Councilmember McKeown, seconded by Councilmember Genser, 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:

AYES: Councilmembers McKeown, Genser, Shriver, Mayor

Bloom
NOES: None
ABSENT: Councilmembers O'Connor Holbrook, Mayor Pro Tem
Katz

MINUTES

1-A: **The minutes** of April 10 and April 24, 2007, City Council meetings were approved, as submitted.

852 10TH STREET

1-B: **Resolution No. 10213 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 64207 FOR A 4-UNIT CONDOMINIUM PROJECT AT 852 10TH STREET," was adopted.

2510 7TH STREET

1-C: **Resolution No. 10214 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 062554 FOR AN 8-UNIT CONDOMINIUM PROJECT AT 2510 7TH STREET," was adopted.

UNDERGROUND STORAGE TANKS

1-E: **Underground storage tank systems** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8617 (CCS) with Fleming Environmental, Inc., in the amount of \$8,872, to provide additional improvements to the underground storage tank systems at various City locations, was approved.

TRAFFIC SIGNAL MODIFICATION

1-D: **Traffic management system communication and traffic signal modification project** - recommendation to authorize the City Manager to appropriate \$900,000 from revenue account 4.342.312 to the Traffic Signal Upgrade CIP account; to negotiate and execute Contract No. 8713 (CCS) with KDC Inc., dba Dynalectric, in the amount of \$3,194,000, for construction of the project; negotiate and execute Contract No. 8714 (CCS) with PSOMAS, in the amount of \$404,000, for management services; and authorize amendments to Contract No. 8497 (CCS) with Meyer, Mohaddes Associates, in the amount of \$38,000; to Agreement No. 105 with RBF Consulting, in the amount of \$58,900; and to Agreement No. 1100 with Kimley-Horn & Associates, in the amount of \$18,000, for design support and construction review, was presented.

City Manager Lamont Ewell advised that the appropriation requested in the recommendation for Item 1-D requires the votes of five Councilmembers; however, there being only a quorum of four Councilmembers present, he was modifying the recommendation to delete the appropriation request which will be presented to Council at a future time. Motion by Councilmember McKeown, seconded by Councilmember

Genser, to approve the recommendation as amended to delete the request for an appropriation. The motion was approved by the following vote:

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

CLOSED SESSIONS:

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

ACTION: Not Heard.

2-B: **Conference with Legal Counsel - Existing Litigation: City of Santa Monica v. Prestige Parking, Inc., etc., et al., Case No. SC 092156.**

Motion by Councilmember McKeown, seconded by Councilmember Shriver, to approve Settlement Agreement No. 8715 (CCS) requiring defendant to pay City \$53,300 in back taxes. The motion was approved by the following vote:

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

2-C: **Conference with Legal Counsel - Existing Litigation: Leopoldo Laine v. City of Santa Monica, Central District Court Case No. CV 06-4933.**

Motion by Councilmember Shriver, seconded by Councilmember Genser, to approved Settlement Agreement No. 8716 (CCS) in the amount of \$105,000 for the plaintiff. The motion was approved by the following vote:

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

2-D: **Conference with Legal Counsel - Existing Litigation: Mario**

Castellanos v. City of Santa Monica, Superior Court Case No. SC 089935.

Motion by Councilmember McKeown, seconded by Mayor Bloom, to approve Settlement Agreement No. 8717 (CCS) in the amount of \$35,000. The motion was approved by the following vote:

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

2-E: Conference with Legal Counsel - Existing Litigation: Wynona Harris v. City of Santa Monica, Superior Court Case No. BC 341 569.

ACTION: Heard. No reportable action taken.

2-F: Conference with Legal Counsel - Existing Litigation: Abraham Supino v. City of Santa Monica (and consolidated cases), Superior Court Case No. SC080283.

ACTION: Heard. No reportable action taken.

2-G: Conference with Legal Counsel - Existing Litigation: City of Santa Monica v. Baron & Budd, P.C., Case No. BC 315 186.

ACTION: Not Heard.

2-H: Conference with Legal Counsel - Existing Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): two disputes: one involving real property at 843 4th Street and one involving real property at 130-142 San Vicente Boulevard.

ACTION: Heard one matter regarding 843 4th Street. No reportable action taken.

2-I: Conference with Legal Counsel - Existing Litigation: Fifth/Arizona Investors, LLC v. City of Santa Monica, SC 083204.

Motion by Councilmember Shriver, seconded by Councilmember Genser,

to approve an amendment to existing settlement agreement to extend the period of time to June 25th in which the principal can pull building permits for 430 Arizona and 1320 5th Street. The motion was approved by the following vote:

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

STUDY SESSION:
**WATER AND WASTE-
WATER RATES**

3-A: Presentation on Water and Wastewater Rate Studies and discussion of proposed rate changes, and timing of solid waste rate changes, was given by staff.

Members of the public Joey Fullmer, Joe Natoli, Jerry Rubin and Louisa Fish spoke in opposition to rate increases.

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

ADMIN. ITEMS:
130-152 SAN VICENTE

6-A: Appeal of Landmarks Commission Designation of 130-142 San Vicente Boulevard - recommendation to deny the appeal and designate the property as a City Landmark based on revised findings.

On order of the Mayor, this matter was continued to June 12, 2007.

2402 4TH STREET

6-B: Appeal of Landmarks Commission's Certificate of Appropriateness denying reconstruction of brick work at 2402 4th Street - recommendation to deny appeal and uphold the Landmarks Commission's denial.

On order of the Mayor, this matter was continued to July 10, 2007.

ORDINANCES:
1327-1337 OCEAN AVE.

7-A: Second reading and adoption of Ordinance No. 2227 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA APPROVING DEVELOPMENT AGREEMENT NO. 8718 (CCS) TO ALLOW A 73-ROOM HOTEL AT 1327-1337 OCEAN AVENUE," was presented.

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

AYES: Councilmembers Shriver, Genser, McKeown, Mayor

Bloom
NOES: None
ABSENT: Councilmembers Holbrook, O'Connor, Mayor Pro Tem
Katz

**PROFESSIONAL
SERVICES AGMTS.**

7-B: Introduction and first reading of an ordinance amending Section 2.24.073 of the Municipal Code to increase the dollar limit threshold requiring City Council approval for professional services agreements from more than \$55,000 to more than \$70,000, was presented.

There was no one present for public comment.

Motion by Councilmember Shriver, seconded by Mayor Bloom, to introduce the ordinance for first reading, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**BUSINESS EMPLOYEES
PARKING PERMITS**

7-C: Introduction and first reading of an ordinance extending the authorization of the issuance of preferential employee parking permits for certain specified business, was presented.

Member of the public Gerrit Hylkema spoke in support of the proposal but also expressed concerns related to overflow of parking and enforcement. Members of the public John Lindahl, Bob Dolbinshi, Kaoru Grime, Chris Hamilton and Laurie Grehler spoke in favor of the ordinance.

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

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

RELOCATION FEES

7-D: Introduction and first reading of an ordinance modifying the Municipal Code provision governing the amount of permanent relocation fees and code provisions governing rights and responsibilities with respect to temporary relocation benefits.

On order of the Mayor, this matter was continued to May 24, 2007.

DONATION OF FOOD, CLOTHING ETC., - PROHIBITION

7-E Introduction and first reading of an ordinance adding Section 4.55.075 to the Municipal Code prohibiting the donation of food, clothing or other property by leaving it in city parks, parkways and sidewalks, was introduced.

Members of the public Joe Natoli, Joey Fullmer, Jerry Rubin and Jan Goodman spoke in opposition to the proposed ordinance.

Motion by Councilmember McKeown, seconded by Mayor Bloom to introduce the ordinance for first reading, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

TWO-LOT SUBDIVISION

7-F: Introduction and first reading of an interim ordinance modifying the City's zoning ordinance to authorize a two-lot subdivision that retains a single-family residence with nonconforming setbacks under specified circumstances, was presented.

There was no one present for public comment.

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

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

50 UNITS OR MORE - HOUSING PROJECTS

7-G: Introduction and first reading of an interim ordinance extending the initial interim ordinance modifying the development review thresholds to require that any housing project in excess of fifty units obtain a development review permit, was presented.

There was no one present for public comment.

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

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

FALSE ALARM FEES

7-H: Introduction and first reading of an interim ordinance amending Municipal Code Chapter 8.44 and adoption of a resolution to establish fees for fire department responses to excessive false fire alarms, was presented.

Member of the public Joe Natoli spoke in support of the proposed ordinance.

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

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

At the request of staff, and on order of the Mayor, the resolution to be adopted at the time the ordinance is adopted.

STAFF ITEMS:
MASTER FACILITY USE AGREEMENT - SMMUSD

8-A: 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 School District by \$750,000.

On order of the Mayor, this matter was continued to May 24, 2007.

**PROPERTY EXCHANGE
1920 OCEAN WAY**

8-B Request for Proposals for exchange of City Property at 1920 Ocean Way - recommendation to authorize the solicitation of proposals pursuant to proposed criteria for the exchange of City-owned property located at 1920 Ocean way for another property to be developed as affordable housing, was presented.

There was no one present for public comment.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve staff recommendation amended to include language that clarifies that the property to be exchanged be clear and have no encumbrances prohibiting a deed restriction for affordable housing. The motion was approved by the following vote:

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

**PUBLIC HEARINGS:
HUD ACTION PLAN**

9-A: Public Hearing and Approval of the FY 07-08 HUD One-Year Action Plan - recommendation to approve the proposed one-year action plan and authorize staff to submit all documents required to receive the City's annual Community Development Block Grant and Home Investment Partnership Act entitlement grant funds, was presented.

There was no one present for public comment.

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

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

**COUNCIL ITEMS:
APPOINTMENT**

13-A: Appointment to one unscheduled vacancy on the Commission on the Status of Women for a term ending June 30, 2008.

On order of the Mayor, this matter was continued to June 12, 2007 meeting.

**OWNERSHIP
CONVERSION POLICY**

13-B: Request of Councilmembers McKeown and Genser that Council direct staff to provide as soon as possible comprehensive information, options and recommendations on the city's multi-family housing ownership conversion policies and the potential impacts of tenancies-in-common, was presented.

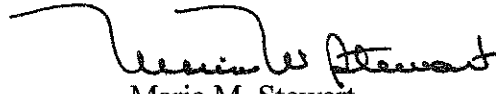
There was no one present for public comment.

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

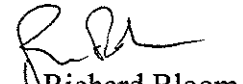
ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 9:27 p.m., to Tuesday, May 22, 2007, in memory of Shirley Edith Moskowitz Gruber.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor