

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**MAY 24, 2007**

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

Roll Call: Present: Mayor Richard Bloom  
Mayor Pro Tem Herb Katz (arrived at 6:17 p.m.)  
Councilmember Ken Genser  
Councilmember Robert T. Holbrook  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor  
Councilmember Bobby Shriver (arrived at 6:02 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 5:53 p.m., with Councilmember Shriver and Mayor Pro Tem Katz absent. Barry Seid, Chair for the Commission for the Senior Community, 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 Pro Se commented on the Consent Calendar items.

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

**415 PCH - ANNENBERG  
COMMUNITY BEACH  
CLUB**

**1-A: Annenberg Community Beach Club rehabilitation and adaptive reuse** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 1224 with Encorp Environmental Management and Services, in the amount of \$71,500, to perform environmental assessment services for the project, was approved.

**CITY HALL SEISMIC  
RETROFIT**

**1-B: City Hall Seismic Retrofit Project** - recommendation to authorize the City Manager to negotiate and execute a second amendment to Contract No. 8529 (CCS), in the amount of \$150,000, to expand architectural services for the Project, was approved.

**STUDY SESSION:  
2007 – 2008 BUDGET  
STUDY SESSION  
PRESENTATIONS:**

**3-A: Grant funding recommendations for Community Development Plan (FY 2007-10) and Cultural/Arts Organizational Support Grant Program (FY2007-08)** - recommendation that Council provide comments on the grant funding recommendations, was presented.

The following members of the public spoke in support of funding for various projects and services: Karen Kaye, Nat Trives, Sam Genensky, Rosemary Regalbuto, Karen Bhangoo, John Pacheco, Mariza Lockhart, Joey Fullmer, Larry Heller, Judy Alexander, Irene Zivi, Barry Seid, Grace Cheng Braun, Darlene Evans, Melissa K. Dadodag, Ana Maria Jara, Rachel Feldstein, Nicholas Vratovic, Judy Beck, D'Lynn Waldron, Laura Rosenbaum, Mel Ross, Laurel Olersky, and Marcia Caldirola.

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

**RECESS**

On order of the Mayor, the City Council recessed at 7:54 p.m., and reconvened at 8:08 p.m., with all members present.

**ORDINANCES:  
RELOCATION  
BENEFITS**

*Councilmember Genser was excused at 8:08 p.m.*

**7-A: Introduction and first reading of an ordinance or ordinances modifying the Municipal Code provision governing the amount of permanent relocation fees, the code provision governing remedies for relocation violations, and code provisions governing rights and responsibilities as to temporary relocation benefits**, was presented.

Councilmember Genser stated he had a conflict of interest with this matter and requested to be excused.

Members of the public Joey Fullmer and Craig Mordon expressed various concerns related to the proposal.

Considerable discussion ensued related to the proposal. On order of the Mayor, this matter was put over until later in the meeting to allow time

for the City Attorney to prepare language addressing Council's concerns.

**STAFF ITEMS:**  
**FACILITY USE AGMT.,**  
**SM-MUSD**

*Councilmember Genser  
returned at 8:22 p.m.*

*Councilmember McKeown  
was excused at 8:22 p.m.*

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 Santa Monica-Malibu Unified School District by \$750,000, for a total of \$7.2 million next fiscal year, was presented.

Councilmember McKeown stated he had a conflict of interest with this matter due to his employment by the School District and requested to be excused.

The following members of the public commented on various aspects of the proposal including but not limited to the continuous need for school funding, benefits to the students, accountability and transparency from the School District, and certain school policies related to executed agreements between the District and parents of special needs students: Mike Gruning, Tricia Crane, Trish Strouse, Lee Jones, John Petz, Jim Lynch, Chris Harding, Kathy Wisnicki, Shari Davis, Richard Milanesi, Paul Silvern, Steve Hodgson, M. Ross, Arthur Harris, Jerry Rubin and Brian Hutchings.

Motion by Mayor Bloom, seconded by Councilmember O'Connor, to approve staff recommendation.

Substitute motion by Mayor Pro Tem Katz, seconded by Councilmember Shriver, to hold funds in abeyance until confidential agreements with parents of special education students end (between the present and June 12<sup>th</sup>).

Discussion ensued on the merits of the substitute motion. With the agreement of the maker and seconder, the substitute motion was amended to include the following points: 1) School District to enact a policy that non-disparagement clauses will not be used in separation agreements for financial officers; 2) School District to engage with special education community in a dialogue to achieve transparency and with a condition to rescind any existing confidentiality agreements; and, 3) School District to, as soon as possible, provide data to council of the financial impact of the resolution agreements. The substitute motion failed by the following vote:

AYES: Mayor Pro Tem Katz, Councilmembers O'Connor,  
Shriver

NOES: Councilmember Genser, Mayor Bloom

ABSTAIN: Councilmember Holbrook

ABSENT: Councilmember McKeown

Discussion ensued. The original motion by Mayor Bloom and Councilmember O'Connor was withdrawn and replaced by the following motion:

Motion by Mayor Bloom, seconded by Councilmember O'Connor, that the City and School District enter into a contract as follows: 1) School District enact a policy that non-disparagement clauses will not be used in separation agreements for financial officers; 2) require District to engage in open process to assure that decisions regarding the financial aspects of individual special education plans are transparent and open; the District shall strive in good faith to complete this process in 6 months; and 3) School District to, as soon as possible, provide data to council of the financial impact of the resolution agreements. The motion failed by the following vote:

AYES: Councilmembers O'Connor, Genser, Mayor Bloom

NOES: Mayor Pro Tem Katz, Councilmembers Shriver, Holbrook

ABSENT: Councilmember McKeown

Motion by Councilmember Holbrook, seconded by Councilmember Shriver, to place the \$530,000 in a reserve account until issues are resolved. The motion was unanimously approved by voice vote, with Councilmember McKeown absent.

The Mayor clarified, for the record, that no action was taken on allocating the funds other than to, for all intents and purposes, hold it in abeyance and not to be reallocated to another purpose.

**ORDINANCES:**  
**RELOCATION**  
**BENEFITS**  
**(CONTINUED)**

**7-A: Introduction and first reading of an ordinance or ordinances modifying the Municipal Code provision governing the amount of permanent relocation fees, the code provision governing remedies for relocation violations, and code provisions governing rights and responsibilities as to temporary relocation benefits, was continued.**

*Councilmember Genser was excused at 11:40 p.m.*

Councilmember Genser stated he had a conflict of interest with this matter and requested to be excused.

*Councilmember McKeown returned at 11:40 p.m.*

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to introduce the ordinance, reading by title only and waiving further reading thereof, amended as proposed by the City Attorney, as follows: Section 4.36.040 will have the following language added: "This

amount shall be adjusted for inflation annually pursuant to the formula specified above, commencing July 1, 2007 and each July 1<sup>st</sup> thereafter." Section 4.36.100 shall have the following added after paragraph (b): "If the landlord determines the need for a tenant to vacate, the landlord shall provide notice to the tenant of the relocation requirements and responsibilities established by this section." The same section, after subsection (b)(1) shall have the following language added: "The tenant shall remain responsible to pay to the landlord rent which falls due for the tenant's existing unit during the period of displacement." The motion as amended was approved by the following vote:

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

**PUBLIC INPUT**

Members of the public Joe Natoli and Brian Hutchings expressed various concerns.

*Councilmember Genser  
returned at 11:52 p.m.*

**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 11:53 p.m., in memory of Yolanda King, daughter of Reverend Martin Luther King.

ATTEST:

*Maria M Stewart (us)*  
Maria M. Stewart  
City Clerk

APPROVED:

*Richard Bloom*  
Richard Bloom  
Mayor