

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**JUNE 12, 2007**

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 5:47 p.m., on Tuesday, June 12, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Richard Bloom  
Mayor Pro Tem Herb Katz  
Councilmember Ken Genser  
Councilmember Robert T. Holbrook  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor  
Councilmember Bobby Shriver (arrived at 6:12 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 5:47 p.m., with Councilmember Shriver absent. Assistant to the City Manager Don Patterson 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.

At the request of Councilmember Genser, Item 1-F was removed from the Consent Calendar.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to approve all items on the Consent Calendar as presented except Item 1-F, 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 Pro Tem Katz, Mayor Bloom

NOES: None

ABSENT: Councilmember Shriver

**CONSENT CALENDAR:**  
**MINUTES**

1-A: **The minutes** of the May 8, 2007, City Council meeting were approved as submitted.

**BBB SHORT TRANSIT PLAN**

1-B: **Big Blue Bus FY 2007-2009 Short Transit Plan** - recommendation to authorize the City Manager to file the Short Range Transit Plan with the L.A. County MTA; and authorize the City Manager to submit applications for grant funds, negotiate and execute related agreements, and execute related documents, was approved.

**CARGO VANS**

1-C: **Purchase of five cargo vans** - recommendation to award Bid No. 2827 to Wondries Fleet Group, in the amount of \$241,236.12, to furnish and deliver five cargo vans, was approved.

**937-941 20<sup>TH</sup> STREET**

1-D: **Resolution No. 10216 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 63385 FOR AN 8-UNIT CONDOMINIUM PROJECT AT 937-941 20TH STREET," was adopted.

**CORRECTION OF MAPPING ERROR**

1-E: **Resolution No. 10217 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING AND AMENDMENT OF THE GENERAL PLAN LAND USE MAP TO CORRECT A MAPPING ERROR CONCERNING THE R-2-LOW DENSITY MULTIPLE RESIDENTIAL DISTRICT ZONED PARCELS EAST OF 27TH STREET IN THE SUNSET NEIGHBORHOOD," was adopted.

**WASTEWATER RATES AND FEES**

1-G: **Provision of consulting services related to wastewater rate and fee adjustments** - recommendation to authorize the City Manager to negotiate and execute an amendment to Agreement No. 8726 (CCS) with Raftelis Financial Consultants, in the amount of \$35,000, for additional financial analysis, development of wastewater rates, and analysis of capital facility fees, was approved.

**BAY SAVER WATER CONSERVATION**

1-H: **Bay Saver Water Conservation Program** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8723 (CCS) with KEMA, Inc., in the amount of \$90,000 per year for three years to provide customer service, data and financial management and inspection services, was approved.

**FINANCIAL ADVISORY**

1-I: **Provision of financial advisory services** - recommendation to

**SERVICES**

authorize the City Manager to negotiate and execute Agreement No. 8724 (CCS) with Public Resources Advisory Group, in the amount of \$100,000, for provision of financial advisory services on behalf of the City, the Redevelopment Agency, and the Parking Authority, was approved.

**CITY HALL HVA**

1-J: **City Hall Heating Ventilation Air Conditioning System Replacement Project** - recommendation to authorize the City Manager to negotiate and execute Agreement No. 8725 (CCS) with Black & Veatch, in the amount of \$320,666, for design and bid preparation for the system replacement project, was approved.

**20<sup>TH</sup> & CLOVERFIELD STREET IMPROVEMENT**

1-F: **20th Street and Cloverfield Street Improvements Project** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8581 (CCS) with Ahbe, in the amount of \$99,100, for the design of street light conversions, traffic signal modifications, and communication conduit upgrades, was presented.

Councilmember Genser advised he removed this item from the Consent Calendar because as yet Council had not reviewed a concept for the project.

On order of the Mayor, this matter was continued to a future meeting to allow staff to provide additional information on the project to Councilmembers.

**CLOSED SESSIONS:**

*Councilmember Shriver arrived at 6:12 p.m.*

*Councilmember Genser was excused at 7:13 p.m.*

On order of the Mayor the City Council recessed at 6:12 p.m., to consider closed sessions and returned at 7:13 p.m., with Councilmember Genser absent.

2-A: **Conference with Legal Counsel - Existing Litigation: City of Santa Monica, et al. v. City of Los Angeles (Playa Vista), Case No. B19-89630.**

ACTION: Heard. No reportable action taken.

2-B: **Conference with Legal Counsel - Existing Litigation: Abraham Supino v. City of Santa Monica (and consolidated cases), Case No. SC 080283.**

ACTION: Heard. No reportable action taken.

2-C: **Conference with Legal Counsel - Existing Litigation: City of**

**Santa Monica v. Baron & Budd, P.C., Case No. BC 315186.**

ACTION: Heard. No reportable action taken.

**2-D: Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): two disputes involving real property located at 130-142 San Vicente Boulevard and 843 4<sup>th</sup> Street.**

ACTION: Heard the matter related to 130-142 San Vicente Boulevard. No reportable action taken.

**2-E: Conference with Labor Negotiator.**

**City Negotiator: Karen Bancroft, H.R. Director**

**Bargaining Units: Santa Monica Firefighters Local 1109**

ACTION: Heard. No reportable action taken.

**ADMIN. ITEMS:**

**APPEAL - 130-142 SAN VICENTE BLVD.**

**6-A: Appeal of Landmarks Commission Designation of 130-142 San Vicente Boulevard - recommendation to deny the appeal and designate the multi-family residential improvements as a City Landmark and the property as a Landmark Parcel, based on revised findings, was presented.**

The City Attorney announced, on behalf of Councilmember Genser, that Mr. Genser had a conflict of interest in this matter due to his being a tenant at the subject residence and was excusing himself from participating.

Rosario Perry and Jennifer Hirsch, representing appellant, and member of the public Peter Jensen spoke in support of the appeal.

Members of the public Sherrill Kushner, Patrick Gigliotti, Kit Snedaker, Beverly Fifield, Leo Dasure, Christie Savage, Art Calrow, Louis Scaduto, Dwayne Howard, Bernard Wesson, Susan LaBassiere, Albert Rapaport, Marcello Vavala, John Berley, Bobby Houston, Risa Freeman, Jerry Rubin, Genise Schnitman, and Joe Natoli spoke in opposition of the appeal.

Rosario Perry, representing appellant, presented a rebuttal to the public comment received.

**Motion by Councilmember O'Connor, seconded by Councilmember**

McKeown, to deny the appeal based on revised findings, designate the multi-family residential improvements as a City Landmark and the property as a Landmark Parcel. The motion was approved by the following vote:

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

**ORDINANCES:**  
**RELOCATION**  
**BENEFITS**

7-A: **Second reading and adoption of Ordinance No. 2234 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA MODIFYING MUNICIPAL CODE SECTIONS 4.36.040, 4.36.090, 4.36.100, AND 4.36.120 RELATING TO RELOCATION BENEFITS,"** was presented.

The City Attorney announced, on behalf of Councilmember Genser, that Mr. Genser also had a conflict of interest in this matter and requested to be excused from participation.

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

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

**CONSIDERATION OF**  
**ITEMS OUT OF ORDER**

On order of the Mayor, and with the consensus of Council, Items 12-A and 13-B to be considered concurrently and prior to Item 8-A.

**WRITTEN REQUESTS:**

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

*Councilmember McKeown  
was excused at 8:31 p.m.*

*Councilmember Genser  
returned at 8:31 p.m.*

12-A: **Request from the Board of Education, Santa Monica-Malibu Unified School District, that after providing the Council with factual information addressing concerns raised by Councilmembers at their last meeting, the Board of Education would like the Council to reconsider the Master Facility Use Agreement Committee's recommendation to increase funding by \$750,000, inclusive of CPI increase, was presented by Superintendent Dianne Talarico.**

**SCHOOL DISTRICT'S  
FINANCIAL STATUS**

**13-B: Councilmember Holbrook and Mayor Pro Tem Katz request that the City Council hear comments from Mr. Winston Braham, former Chief Financial Officer of the Santa Monica/Malibu Unified School District (District), at the meeting of June 12, 2007, regarding the financial condition of the District and any other related matters during his tenure with the District. It is the intent of this request that, by majority vote, Council take this matter up as the first item of business following closed sessions, was presented.**

Mr. Winston Braham discussed the financial condition of the School District and other related matters, at the time of his departure as a District employee. Mr. Braham also answered questions of Councilmembers.

The following members of the public spoke in support of funding for the school and on the need for more transparency related to the School District's finances, policies and practices: Lee Jones, Ken Haker, Tricia Crane, Rebecca Kennerly, Chris Harding, Denny Zane, Craig Hamilton, Shari Davis, Felix Schmidtchel, Jerry Rubin, Joe Natoli, Louise Jaffe, Paul Silvern, Arthur Harris and Mike Grunning.

Considerable discussion ensued regarding the information provided by Mr. Braham and members of the public related to confidentiality clauses applied to the former Finance Officer's settlement agreement and to the agreements between parents of special needs students and the School District.

Motion by Mayor Bloom to approve City Manager's recommendation, as per staff report dated May 24, 2007, to allocate the \$530,000 with the understanding that the School District (District) has agreed to conduct an independent public review of its special education plan; review will include the financial, programmatic and policy aspects of the special education program; this review will specifically include an independent review of the settlement agreement practices that include the use of confidentiality provisions in settlement agreements; additionally, the review process will include opportunities for public input by parents of special education students, persons with expertise in special education, as well as members of the general public. To guarantee the objectivity of this process the District will retain an independent consultant(s) to assist with this review. The District will promptly commence this review process and make a good faith effort to complete it by March 31, 2008. The District also agrees to meet and confer with the City Manager's office during fiscal year 2007-2008.

The motion died for lack of a second.

Motion by Councilmember Shriver, seconded by Mayor Pro Tem Katz that the School District (District) agrees that, in future employment settlements, there shall be no more confidentiality agreements such as the one with the former Financial Officer: District will meet and confer with the City Manager during FY 2007-2008 to consider enhancements to the agreement to ensure better transparency; District agrees to conduct an independent public review of its special education plan; review will include the financial, programmatic and policy aspects of the District's special education program; this review will specifically include an independent review of the settlement agreement practices that include the use of confidentiality provisions in settlement agreements; additionally, the review process will include opportunities for public input by parents of special education students, persons with expertise in special education, as well as members of the general public. To guarantee the objectivity of this process the district will retain an independent consultant(s) to assist with this review; District will promptly commence this review process and complete it by March 31, 2008; pending review of such a study, there be an immediate moratorium on adding a confidentiality clause to any agreements between District and parents regarding special education services provided for their children, unless the parent wants such an agreement or unless required by law; that there be good faith compliance, and that the \$530,000 will not continue in the following year if there isn't good faith demonstrated in the District's implementation of the agreement; and, that \$530,000 won't be available until the public review process has begun, the moratorium has been implemented and the District accepts all terms for the agreement. The motion was approved by the following vote:

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

Mayor Bloom stated, for the record, that his "no vote" reflects his belief that this is an inappropriate direction for the Council to take, that Council is placing itself in the role of the School District and it is to the detriment ultimately that a course is set in that direction for the parents and children of both Santa Monica and Malibu. The Mayor added that he valued the discussion held on this matter.

**STAFF ITEMS:  
BUDGET ADOPTION**

On order of the Mayor, the regular City Council meeting was recessed at 11:52 p.m., and the City Council reconvened to a joint meeting with the Housing Authority, the Parking Authority, and the Redevelopment Agency, with all members present

**8-A: Adoption of FY 2007-2008 Budget; adoption of various budget related resolutions; approval of Human Service and Cultural Arts grant contracts; amendment to contract with Community Partners; public hearing and approval of the one-year Action Plan for the CDBG and HOME funds** - recommendation that City Council adopt a resolution establishing new classification and adopting salary rates for various positions, resolution establishing various user fees, resolution setting fees for use of Community & Cultural Services Department facilities, resolution setting rental fees for use of space at the Municipal Airport, resolution revising Woodlawn Cemetery fee schedule, and a resolution establishing GANN appropriations limit; approve change to Bayside District expenditures for \$80,000; approve the Community Development Plan and the Cultural Arts Grants Program; authorize the City Manager to execute and negotiate contracts for Community Development and Cultural Arts grant programs, lease agreements with social service organizations using City facilities, amendment to Contract No. 8583 (CCS) with Community Partners, agreements related to various school programs and joint uses; and hold a public hearing, receive public comment and approve the proposed amendment to the One-Year Action Plan for CDBG and HOME funds. Recommendation that the Housing Authority, Redevelopment Agency, Parking Authority and City Council approve respective resolutions adopting budgets for FY 2007-08, was presented.

*Councilmember Katz was excused at 12:10 a.m.*

The following members of the public spoke in support of funding for various services and projects including but not limited to Homeless services, the arts, the Red Cross, child care, Pico Youth and Family Center, Main Street, and Ocean Park Improvements: Ron Hooks, Asuka Hisa, Linda Gordon, Patti Oblath, Betsy Hiteshew, John Pacheco, Gary Gordon, Oscar de la Torre, Ileana Abreu, Daniel Avila, Julian Ayala, David Auch, Phyllis Green, Rachel Lachowicz, Gabriel Avila, Joe Natoli, Manual Rodriguez, Bruria Finkel and David Katz.

*Councilmember McKeown was excused at 12:29 a.m.*

Councilmember McKeown advised he had a conflict of interest with the funding for the School District due to his employment by the District and requested to be excused for the vote for District funds.

Motion by Councilmember Genser, seconded by Mayor Bloom, to approve funding for the school as outlined in the staff report dated May 24, 2007, and as amended and conditioned earlier in the meeting. The motion was approved by the following vote:

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

*Councilmember McKeown  
returned at 12:31 a.m.*

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to adopt Resolution No. 10218 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL ESTABLISHING NEW CLASSIFICATION AND ADOPTING SALARY RATES FOR VARIOUS POSITIONS," reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to adopt Resolution No. 10219 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ESTABLISHING VARIOUS USER FEES," reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Mayor Bloom, to adopt Resolution No. 10220 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA SETTING FEES FOR USE OF COMMUNITY & CULTURAL SERVICES DEPARTMENT FACILITIES," reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Councilmember Holbrook, to adopt Resolution No. 10221 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL SETTING RENTAL FEES FOR USE OF SPACE AT THE MUNICIPAL AIRPORT," reading by

title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Mayor Bloom, to adopt Resolution No. 10222 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA REVISING WOODLAWN CEMETERY FEE SCHEDULE," reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to adopt Resolution No. 10223 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ESTABLISHING GANN APPROPRIATIONS LIMIT," reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to approve change to Bayside District expenditures for \$80,000. The motion was approved by the following vote:

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

*Councilmember McKeown was excused at 1:16 a.m.*

Councilmember McKeown requested to be excused from participating in this matter due to a conflict of interest related to the joint uses with the School District.

Motion by Councilmember O'Connor, seconded by Mayor Bloom, to approve the Community Development Plan and the Cultural Arts Grants Program; authorize the City Manager to execute and negotiate contracts for Community Development and Cultural Arts grant programs, lease agreements with social service organizations using City facilities, amendment to Contract No. 8583 (CCS) with Community Partners, agreements related to various school programs and joint uses. The motion was approved by the following vote:

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

*Councilmember McKeown  
returned at 1:17 a.m.*

Motion by Councilmember O'Connor, seconded by Councilmember Holbrook, to approve the proposed amendment to the One-Year Action Plan for CDBG and HOME funds. The motion was approved by the following vote:

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

Motion by Councilmember Genser, seconded by Councilmember McKeown, to approve \$50,000 for re-designing of Police Badges to their natural City Hall design. The motion failed by the following vote:

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

Motion by Councilmember Genser, seconded by Councilmember McKeown, to set aside on budget \$50,000 without any authorization for expenditure. The motion was approved by voice vote with Councilmembers Shriver and Holbrook voting in opposition, and Mayor Pro Tem Katz absent.

Motion by Authority/Agency/Councilmember McKeown, seconded by Authority/Agency/Councilmember Genser, to approve respective resolutions for the City Council (No. 10224(CCS)), the Housing Authority (No. 82 (HAS)), the Parking Authority (No. 246 (PAS)), and the Redevelopment Agency No. 601 (RAS)), entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ADOPTING THE BUDGET FOR

FY 2007-08),” reading by title only and waiving further reading thereof, and amended as follows: Approve a grant of \$14,800 for the Center for the Partially Sighted, \$2,300 for Martin Luther King Day Celebration; \$30,865 to Cal Safe Teen Program, \$9,600 to Main Street Association for cleaning of sidewalks, \$30,000 to the Pico Youth & Family Services Center, and setting aside \$50,000. The motion was approved by the following vote:

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

Motion by Councilmember Shriver, seconded by Councilmember O’Connor, to carry over \$50,000 of Council contingency funds to the next fiscal year. The motion was approved by the following vote:

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

**ADJOURNMENT OF SPECIAL MEETING**

On order of the Mayor, the Special Joint Meeting was adjourned at 1:25 a.m., and the regular City Council meeting was reconvened with Mayor Pro Tem Katz absent.

**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, the floor was opened for nominations.

Councilmember McKeown nominated Cassandra Muzzey. Ms. Muzzey was appointed by acclamation, with Mayor Pro Tem Katz absent.

**MAIN STREET 4<sup>TH</sup> OF JULY PARADE**

**13-C: Request of Councilmember Genser to allocate up to \$6,000 of discretionary funds for the 1st Annual July 4th Main Street Parade, and to consider becoming a cosponsor of this event, was presented.**

Member of the public Joel Brand spoke in support of the request.

Motion by Councilmember Genser, seconded by Councilmember Shriver, to approve allocation of \$6,000 from Council’s contingency funds to the Ocean Park Association and North of Montana Homeowners Association to sponsor the event, clarifying that the funding is for the organizations,

that the event is intended as a holiday celebration, and that the funding decision does not reflect the composition of the parade which the City does not control. The motion was approved by the following vote:

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

**PUBLIC INPUT:**

Member of the public Art Casillas expressed various concerns related to public safety.


**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 1:30 a.m., to Tuesday, June 19, 2007, in memory of Ted Walters, Rabbi Avraham Levitansky, and Eamon Cannon .

ATTEST:

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

APPROVED:

  
Richard Bloom  
Mayor