

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JUNE 26, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Pro Tem Katz at 5:50 p.m., on Tuesday, June 26, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Pro Tem Herb Katz
Councilmember Ken Genser (arrived at 6:11 p.m.)
Councilmember Robert T. Holbrook
Councilmember Kevin McKeown
Councilmember Pam O'Connor

Absent: Mayor Richard Bloom
Councilmember Bobby Shriver

Also Present: Assistant City Manager Gordon Anderson
City Attorney Marsha Jones Moutrie
City Clerk Maria M. Stewart

CONVENE/PLEDGE On order of the Mayor, the City Council convened at 5:50 p.m., with Councilmembers Shriver and Genser, and Mayor Bloom absent. Deputy City Manager Mona Miyasato 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.

Members of the public Joey Fullmer, Ben Franz Knight, Joe Natoli and Brian Hutchings commented on various Consent Calendar items.

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to approve 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, O'Connor, Holbrook, Mayor Pro Tem Katz

NOES: None

ABSENT: Councilmembers Genser, Shriver, Mayor Bloom

MINUTES

1-A: **The minutes** of the June 12, 2007, City Council meeting were approved as submitted.

WAIVER OF FEES - CIVIC AUDITORIUM

1-B: **Waiver of rental and parking fees at Civic Auditorium** - recommendation to waive the rental and parking fees for all future college fairs produced by the Santa Monica High School Parent Student Association, was approved.

RISK ASSESSMENT SERVICES

1-C: **Agreement with State of California for Risk Assessment Services** – recommendation to adopt Resolution No. 10226 entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA, OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT, FOR RISK ASSESSMENT SERVICES,” was approved.

PLANNING SERVICES

1-D: **Urban Design, architectural and planning services** – recommendation to authorize the City Manager to negotiate and execute an amendment to existing Agreement No. 8729 (CCS) with The Odermatt Group, in the amount of \$197,000 for a total of \$245,000, to provide urban design, architectural and planning services to develop content for the public workshop series as part of the Land Use and Circulation Element process, to develop strategies, and to provide design review services on major projects.

SCAQMD GRANT FUNDS

1-E: **Receipt of grant funds for three heavy-duty vehicles and natural gas refueler** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8730 (CCS) with South Coast Air Quality Management District, for \$149,925 in grant funds, for three heavy-duty vehicles and toward the construction of a small natural gas refueler, was approved.

GREEN BUILDING RESOURCE CENTER

1-F: **Green Building Resource Center operation and management** – recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8312 (CCS), in the amount of \$65,140, with Global Green USA for enhancements to the operation and management of Green Building Resource Center, was approved.

CHARNOCK AND OLYMPIC WELLS

1-G: **Charnock and Olympic Wells Restoration Project consulting services** – recommendation to authorize the City Manager to negotiate and execute sole source Agreement No. 8731 (CCS) with Worley Parsons Komex for Fiscal Year 2007-08, in the amount not to exceed \$279,251, for engineering consulting services in support of the restoration of the City’s wells at Charnock and Olympic Boulevard, was approved.

**PURCHASE OF
MOTORCYCLES**

1-H: **Purchase of fourteen police motorcycles** – recommendation to award Bid No. 2928 to Long Beach BMW, in the amount of \$340,486.92, to furnish and deliver fourteen police motorcycles, was approved.

**PARKING STRUCTURES
7 AND 8 - DESIGN**

1-I: **Conceptual Design Services for Parking Structure Nos. 7 and 8** – recommendation to authorize the City Manager to negotiate and execute a second amendment to Contract No. 8551 (CCS) with Pugh + Scarpa, in the amount of \$50,000, to provide concept design for façade improvements for Downtown Parking Structure Nos. 7 and 8, was approved.

**PIER LEASING AND
LICENSING
GUIDELINES**

1-J: **Waiver of renewal options of the Pier Leasing and Licensing Guidelines** recommendation to waive Section V, Renewal Options, of the Pier Leasing and Licensing Guidelines to grant three vendors one-time 60 month licenses outside the Guidelines' recruitment process, was approved.

**PRC BUDGET AND
WORK PLAN**

1-K: **Recommendation to approve the Santa Monica Pier Restoration Corporation 2007/08 Budget and Work Plan**, was approved.

**SPECIAL JOINT
MEETING**

On order of the Mayor Pro Tem, the regular City Council meeting recessed at 6:04 p.m., to a special joint meeting with the Redevelopment Agency, with Councilmember Shriver and Mayor Bloom absent.

*Councilmember Genser
arrived at 6:04 p.m.*

1-L: **Design of structural upgrades for Parking Structure 2; preparation of feasibility study for Fire Station 1** - recommendation that City Council authorize the City Manager to negotiate and execute Contract No. 8732 (CCS) with KPFF Consulting Engineers, in the amount of \$631,000, for design and bid preparation documents for structural upgrades of Parking Structure 2, and for the preparation of a feasibility study for Fire Station No.1; that City Council and Redevelopment Agency authorize the City Manager/Executive Director to execute Cooperation Agreement No. 8734 (CCS/RAS) between the City and the Redevelopment Agency for payment of the cost associated with Parking Structure 2, and adopt respective Resolution Nos. 10227 (CCS) and 502 (RAS) consenting to the use of Redevelopment Agency funds for the seismic retrofit and other improvements to Parking Structure 2, and finding that the seismic retrofit of Parking Structure No. 2 is of benefit to the Earthquake Recovery Redevelopment Project area, was presented.

Members of the public Joe Natoli, Russell Sydney and Brian Hutchings

commented on various aspects of the proposal.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to authorize the City Manager to negotiate and execute Contract No. 8732 (CCS) with KPFF Consulting Engineers, in the amount of \$631,000, for design and bid preparation documents for structural upgrades of Parking Structure 2, and for the preparation of a feasibility study for Fire Station No.1; and amended to direct staff to provide information on possibly scattering bicycle stations around the downtown, on putting retail on the first floor of the structure, on consideration of using the upper story for a use other than parking, and to return in a timely manner to allow Council to make a decision regarding the inclusion of retail on the first floor. The motion was approved by the following vote:

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

Motion by Agency/Councilmember McKeown, seconded by Agency/Councilmember O'Connor, to authorize the City Manager/Executive Director to execute Cooperation Agreement No. 8734 (CCS/RAS) between the City and the Redevelopment Agency for payment of the cost associated with Parking Structure 2, and adopt respective Resolution Nos. 10227 (CCS) and 502 (RAS) consenting to the use of Redevelopment Agency funds for the seismic retrofit and other improvements to Parking Structure 2, and finding that the seismic retrofit of Parking Structure No. 2 is of benefit to the Earthquake Recovery Redevelopment Project area. The motion was approved by the following vote:

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

ADJOURNMENT OF THE JOINT MEETING On order of the Mayor Pro Tem, the special joint meeting was adjourned at 6:24 p.m., and the regular City Council reconvened with Councilmember Shriver and Mayor Bloom absent.

CLOSED SESSIONS: On order of the Mayor Pro Tem, the City Council recessed at 6:24 p.m., to consider closed sessions and returned at 7:21 p.m., with Councilmember Shriver and Mayor Bloom absent to report the following:

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

ACTION: Not Heard.

2-B: Conference with Legal Counsel - Existing Litigation: Donna Hachigian v. City of Santa Monica, Case No. SC 080 672

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to approved Settlement Agreement No. 8735 (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
NOES: None
ABSENT: Councilmember Shriver, Mayor Bloom

2-C: Conference with Legal Counsel - Existing Litigation: Abraham Supino v. City of Santa Monica (and consolidated cases), Case No. SC 080 283.

ACTION: Heard. No reportable action taken.

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

ACTION: Not Heard.

2-E: Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): one dispute involving real property at 843 4th Street.

ACTION: Heard. No reportable action taken.

2-F: Conference with Legal Counsel - Existing Litigation: In the Matter of Compliance with Federal Obligations by the City of Santa Monica, California, FAA Docket No. 16-02-08.

ACTION: Heard. No reportable action taken.

ADMIN. MATTERS:
LANDMARKS APPEAL -
2219 OCEAN AVE.

6-A: Appeal of Landmarks Commission Designation of 2219 Ocean Avenue -- recommendation to uphold the appeal and deny the landmark designation of the property.

Considerable discussion ensued on the merits of a request from appellant to continue the appeal until there is a full City Council present, and on the effects of approving and the effects of not approving such a request.

Councilmember O'Connor was excused at 7:34 p.m.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem Katz to continue the appeal to a future meeting. The motion failed by the following vote:

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

On order of the Mayor Pro Tem, the matter was presented to Council.

Chris Harding, representing appellant, spoke in support of the appeal.

The following members of the public spoke in opposition to the appeal: Sherrill Kushner, Nina Fresco, Ruthann Lehrer, Scott Spell, Erin Anderson Jatho, Mary Ore, John Perkinsen, Carla Becker, Chris Ford, Miguel Farley-Ford, Cheryl Tao, Erin Maynes, and Bob Sevy.

Councilmember O'Connor returned at 8:42 p.m.

Mr. Harding presented a rebuttal to public comments made.

Discussion ensued on the merits of the appeal, the merits of the Landmark designation, and on the public comments received.

After considerable discussion, no motion was made and no official action was taken, thereby, pursuant to local law, the City Council is deemed to have denied the appeal and affirmed the decision of the Landmarks Commission.

ORDINANCES:
TWO-LOT SUBDIVISION

7-A: Introduction and first reading of interim ordinance extending initial 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 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 Holbrook, Genser, O'Connor,
McKeown, Mayor Pro Tem Katz
NOES: None
ABSENT: Councilmember Shriver, Mayor Bloom

STAFF ITEMS:
STREET BANNERS

8-A: **Vertical Noncommercial Banners of Street Light Poles** – recommendation to direct the City Attorney to prepare an ordinance amending the Over-the-Street Banner Ordinance Section 4.08.500 to allow hanging of vertical noncommercial banners on street light poles by business improvement districts, the Bayside District Corporation, the Pier Restoration Corporation the Convention & Visitors Bureau, and for arts-related events sponsored by non-profit organizations.

On order of the Mayor Pro Tem, and at the request of staff, this matter was withdrawn from consideration.

**ANGELS ATTIC
MUSEUM**

8-B: **Proposed relocation of Angels Attic Museum and Building** - recommendation to refer project to the Landmarks Commission to provide preliminary input on the impact to historic resources from the proposed relocation of the museum and building to Heritage Square; if the Commission's input is favorable, recommendation to authorize negotiations pursuant to proposed criteria, was presented.

The following members of the public spoke in support of the recommendation: Mary Ann Hays, Bob Pratt, Tobi Smith, Steve Soukup Glen Gersen, and Doug Kays. Member of the public Roger Genser spoke in support of more public access.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to direct staff to work with proponents, refer the matter to Landmarks Commission for conceptual review and comment, and return to Council for further direction. In addition, staff was directed to look at possible preservation of trees; having the entry from Nielsen instead of Main Street; and look at options for increasing public access to parking lot for parking. The motion was approved by the following vote:

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

SHOTGUN HOUSE

8-C: **Proposed permanent location for Shotgun House at Norman Place and 2nd Street** – recommendation to support in concept the potential permanent site on Norman Place and Second Street prior to

regulatory review by the Planning, Landmarks, and California Coastal Commissions; authorize the issuance of a Request for Proposals (RFP) to select a non-profit organization to relocate the House to the selected property, rehabilitate the House and lease the House from the City for public benefit purposes; and direct staff to complete the proposed site improvements to ready the site for acceptance of the House, was presented.

The following members of the public spoke in support of the recommendation: Nina Fresco, Tom Cleys, Mario Fonda-Bonardi, Ruthan Lehrer, Sherrill Kushner, George Credle, Richard Orton, Bea Nemlaha, and Roger Genser. Member of the public Steve Galloway expressed concerns regarding the location and access.

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

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

AIRPORT SAFETY ENHANCEMENTS

8-D: Update on proposed runway safety enhancements for Santa Monica Airport - recommendation to consider the runway safety proposal developed by the Federal Aviation Administration (FAA) and provide City Staff with direction regarding the City's response to the FAA proposal, was proposed.

The following members of the public expressed concerns on airport safety and spoke in support of action and resolution towards achieving safety for the residents in the area surrounding the airport: Brian Bland, Lorraine Sanchez, Jean Gebman, Cathy Larson, Zina Josephs, and Susan Hartley.

Motion by Councilmember McKeown, seconded by Councilmember Genser, directing staff that, when communicating with the FAA to reiterate Council is primarily interested in true safety for the residents and is looking for a proposal that achieves real safety; and, that the public process requires an advanced opportunity for the public to see, before the public hearing, what is going to be proposed. The motion was unanimously approved by voice vote, with Councilmember Shriver and Mayor Bloom absent.

COUNCIL ITEMS:
ANNUAL
APPOINTMENTS

13-A: Annual Appointments to Boards and Commissions for terms ending June 30, 2007.

Board/Commission	No. of Appts.	Term Ending
Airport Commission	2	6/30/2011
Architectural Review Board	1	6/30/2011
Arts Commission	3	6/30/2011
Bayside District Corporation	3	6/30/2011
Senior Community	3	6/30/2011
Commission/Status of Women	2	6/30/2011
Disabilities Commission	2	6/30/2011
Housing Commission	2	6/30/2011
Library Board	1	6/30/2011
Personnel Board	1	6/30/2011
Planning Commission	3	6/30/2011
Recreation & Parks Commission	1	6/30/2011
Social Services Commission	3	6/30/2011

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

RESIGNATIONS

13-B: Recommendation to accept Sheila Field's letter of resignation from the Library Board and Julia Braun Kessler's Letter of resignation from the Arts Commission, and authorize the City Clerk to publish the vacancy.

Motion by Councilmember Holbrook, seconded by Councilmember Genser, to accept resignations with regrets and approve recommendation. The motion was unanimously approved by voice vote, with Councilmember Shriver and Mayor Bloom absent.

**SUPPORT FOR VARIOUS
BILLS**

13-C: Request of Councilmember McKeown that the Council convey the City of Santa Monica's support for the following bills authored by Santa Monica's State Assemblymember Julia Brownley, which have been reviewed by City staff: AB 435 -- extends protection for workers in wage discrimination cases; AB 546 -- improves consumer information on recycling electronic waste; AB 1113 -- extends Medi-Cal eligibility for the working disabled, was presented.

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to approve request. The motion was unanimously approved

by voice vote, with Councilmember Shriver and Mayor Bloom absent.

13-D: Request of Councilmembers O'Connor and McKeown that the City of Santa Monica support SCA 12, co-authored by Santa Monica State Senator Sheila Kuehl and Santa Monica Assemblymember Julia Brownley, putting before California voters the option to conform stormwater and urban runoff management funding with that for water, sewer and garbage collection, was presented.

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


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 10:55 p.m.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Herb Katz
Mayor Pro Tem