

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

TUESDAY, JULY 24, 2007

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

Roll Call: Present: Mayor Pro Tem Herb Katz
Councilmember Ken Genser
Councilmember Robert T. Holbrook
Councilmember Pam O'Connor
Councilmember Bobby Shriver

Absent: Mayor Richard Bloom
Councilmember Kevin McKeown

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 5:53 p.m., with Councilmember McKeown and Mayor Bloom absent. Senior Land Use Attorney Barry Rosenbaum 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, Jerry Rubin, Catherine Eldridge, Joe Natoli and Pro Se commented on various Consent Calendar items.

Due to a conflict of interest, and at the request of Councilmember Genser, Item 1-D was removed from the Consent Calendar.

Staff advised that because the resolutions recommended for adoption in Items 1-E and 1-F were continued from a previous meeting, the language referring to the effective date and the effective date of the resolutions were being modified accordingly. Staff also requested that Item 1-K be withdrawn from consideration.

Motion by Councilmember Genser, seconded by Councilmember

O'Connor, to approve the Consent Calendar with the exception of Items 1-D and 1-K, and with Items 1-E and 1-F as revised, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINUTES

1-A: **The minutes** of the June 19 and June 26, 2007, City Council meetings were approved as submitted.

TEMPORARY AGENCY EMPLOYEES

1-B: **Temporary agency employees and professional services for Building and Safety Division** - recommendation to authorize the City Manager to negotiate and execute Contract Nos. 8800 to 8803 (CCS) with various temporary agencies for professional services for the Building and Safety Division, was approved.

YALE STREET IMPROVEMENT

1-C: **Resolution No. 10228 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA SETTING A PUBLIC HEARING ON SEPTEMBER 25, 2007, TO HEAR ANY PROTESTS OR OBJECTIONS TO THE CONFIRMATION OF ASSESSMENT COSTS FOR THE STREET AND PARKWAY IMPROVEMENTS ON YALE STREET," was adopted.

AFFORDABLE HOUSING UNIT BASE FEE

1-E: **Resolution No. 10229 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTOMATICALLY ADJUSTING THE AFFORDABLE HOUSING UNIT BASE FEE FOR NEW MARKET-RATE MULTIFAMILY DEVELOPMENT PURSUANT TO MUNICIPAL CODE SECTION 9.56.070(B) BASED ON CHANGES IN CONSTRUCTION COSTS AND LAND COSTS," was adopted.

AFFORDABLE HOUSING DEVELOPMENT COST

1-F: **Resolution No. 10230 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTOMATICALLY ADJUSTING THE AFFORDABLE HOUSING UNIT DEVELOPMENT COST PURSUANT TO MUNICIPAL CODE SECTION 9.56.070(C) BASED ON CHANGES IN CONSTRUCTION COSTS AND LAND COSTS," was adopted.

WESTSIDE SUBWAY

1-G: **Westside Subway Extension Project support** - recommendation

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: Conference with Legal Counsel – Existing Litigation: Judy Austin v. City of Santa Monica, Case No. BC 350470.

ACTION: Not Heard.

2-F: Conference with Legal Counsel – Existing Litigation: Peter Tarbox v. City of Santa Monica, Case No. SC 091328.

ACTION: Not Heard.

2-G: 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: Not Heard.

2-H: Conference with Legal Council - Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): one dispute involving real property at 2219 Ocean Avenue.

ACTION: Not Heard.

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

ACTION: Not Heard.

STUDY SESSION:

3-A: Homeless Update.

Member of the public Debbie Mitchell spoke in support of resources for homeless residents.

Staff provided an update of efforts already undertaken and efforts under way to provide assistance to the homeless. On order of the Mayor Pro Tem, the information was received and filed.

ORDINANCES:

TWO-LOT SUBDIVISION

7-A: Second reading and adoption of Interim Ordinance No. 2235 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA 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.

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

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

FENCES, HEDGES, AND WALLS

7-B: Introduction and first reading of an interim ordinance to extend the current interim ordinances modifying fence, wall and hedge standards, grandparenting existing nonconforming hedges, fences and walls, and establishing administrative and discretionary height modification procedures; to clarify the criteria for assessing objections to nonconforming fences, walls and hedges; to require all legal nonconforming fences, walls, and hedges to be registered, to require the maintenance of hedges; and to specify a self-help remedy for overhanging hedges. Consideration of additional regulation modifications governing the height of hedges adjacent to an alley and the height of fences, walls, and hedges on corner properties and reversed corner lots, was presented.

The following members of the public commented on various aspects of the proposal including but not limited to the grandparenting of existing hedge heights, enforcement, the complaint process and the need for a permanent ordinance: Gita Kammann, Leah Mendelsohn, Stephanie Barbanell, Jerry Bass, Baldev Devgan, Virginia Kohfield, Paul Doose, Scott Hampton, Art Casillas, Suzanne Brogger, Michael Picice, Peter Broderick, Pro Se, Monika Bialas, Zivia Weinstein, Perry Clennon, Mira Muller, Jim Tenecowcz, and Katie Santore.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz to introduce the ordinance and direct staff to start work on a permanent ordinance with the goal of having it return to Council in the winter of 2008, and amended to include language to clarify the ten foot depth of alley-adjacent hedges that are eligible for unlimited height; include language for considerations in appeals and to the issue of age of a hedge related to the time of acquisition of a property; address the vermin problem noted by members of the public; and directing staff to look at the height of required fences from the higher grade of the adjacent neighbor's property rather than the lower grade.

Sr. Land Use Attorney Rosenbaum provided the following language for alley-adjacent hedges: Subsection c(1) to read, "A hedge shall not exceed 12 feet in height except that there shall be no height limit for hedges adjacent to, and located within 10 feet of an alley measured perpendicularly from the side or rear property line that is adjacent to the alley."

The City Attorney advised that, based on the amendments: subsection (g)(1) will have the following language added, "... including age and height at the time of the complainant's acquisition or occupancy of the property."; that subsection (d) will have the following added language, "... other related factors such as history of prior complaints, presence of vermin, and history of hedge maintenance."; and, to address notice of hedge removal by adjacent neighbors the following language to be added to subsection (j), "... the adjoining property owner shall, after giving 30 days notice and opportunity to cure, have the right to remove those portions of the hedge . . ."

The motion was approved by the following vote:

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

STAFF ITEMS:
CIVIC CENTER
VILLAGE - ITEM
WITHDRAWN

8-A: Village Residential, Open Space, and Retail Components of the Civic Center Specific Plan; and alternative concept plan for the Civic Center Village - recommendation that the Redevelopment Agency approve in concept proposed plan for Village residential, open space and neighborhood-serving retail programs for entitlement applications; and authorize the Related Companies of California to apply for a Development Agreement and related entitlement applications and discrete amendments to the Civic Center Specific Plan.

Recommendation that City Council authorize staff to begin Development Agreement negotiations with the Related Companies of California.

This item was withdrawn by staff and the special joint meeting was cancelled.

**LAND USE AND
CIRCULATION
ELEMENT**

8-B: Land Use and Circulation Element Planning for the City's Industrial Areas - recommendation to direct staff to prepare an interim ordinance establishing revised standards for development in the Light Manufacturing Studio District and the Industrial Conservation District or establishing a moratorium or partial moratorium to protect planning options until the Land Use and Circulation Elements of the General Plan have been updated, was presented.

The following members of the public spoke to various aspects of the recommendation: Joey Fullmer, Catherine Eldridge, Jeanne Laurie, Jerry Rubin, Joe Natoli, Susan Hartley, Jeanne Dodson and Jack Walter.

Motion by Councilmember Genser to direct staff to proceed with option number three, but with exploration of lower thresholds, for example: 8 units and 5,000 square feet. Motion died for lack of a second.

Motion by Councilmember O'Connor, seconded by Mayor Pro Tem Katz, to approve the recommendation to prepare an interim ordinance with option number three, establishing revised development standards not to exceed either the 7,500 square feet or 15 units. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember McKeown, Mayor Bloom

SMC BUNDY CAMPUS

8-C: Extension of Motor Vehicle Egress and Pedestrian License Agreement Continuing Access to Airport Property from Santa Monica College Bundy Campus – recommendation to authorize extension of the Motor Vehicle Egress and Pedestrian License Agreement with Santa Monica College to February 2008, with an automatic extension to August 2008, if staff determines that there has been affirmative movement on the implementation of the signal proposed on Bundy Drive by the City of Los Angeles, was presented.

Members of the public Susan Hartley, Dennis Zane, Rob Rader and Carolyn Feruzzi spoke in support of the recommendation.

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

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

AB 700

8-D: Legislative Position to support creation of an inter-jurisdictional task force on Santa Monica Airport through AB 700 – recommendation that City Council support Assembly Bill 700, as amended by the Senate Committee on Environmental Quality, to create a task force of appropriate state and local agencies, community members and airport users regarding solutions to decrease aircraft emission impacts on communities surrounding the Santa Monica Airport. However, staff recommends opposition to the unfunded mandate portion of the bill, consistent with on-going Council policy.

Members of the public Jerry Rubin, James Donaldson, Susan Hartley and Martin Rubin spoke in support of the original Bill.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to approve recommendation clarifying that Council will continue to support the original direction of the original bill, and to direct staff that to the extent that there have been health studies done in the past by other airports, that staff study them and make them available to the public. The motion was approved by the following vote:

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

**METROPOLITAN
TRANSPORTATION
AUTHORITY**

8-E: Nomination of Santa Monica candidate to serve on the Metropolitan Transportation Authority Westside/Central Service Sector Governance Council, was presented.

There was no one present for public comment.

Motion by Councilmember Shriver, seconded by Councilmember Genser, to nominate Joe Sticher, resident and City employee. The motion was approved by the following vote:

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

PUBLIC HEARINGS:
STORMWATER PARCEL
REPORT

9-A: **Public Hearing and approval of Stormwater Parcel Report and Management User Fee for FY 2007-08** - recommendation to hold a public hearing and approve the 2007 Stormwater Parcel Report that describes each City parcel receiving a property tax bill from the County of Los Angeles, was presented.

There was no one present for public comment.

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

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

BBB SERVICE PLAN

9-B: **Public hearing on proposed new routes and approval of Mini Blue Service Plan and Transit Partnership with Santa Monica College** - recommendation to hold public hearing, receive public comment, approve the Mini Blue Service Plan concept and specific routes; and approve the Tide Ride, Pico Farmers' Market Ride, Downtown Market Ride, Sunset Ride and Line 6 - Santa Monica College Commuter, was presented.

The following members of the public spoke in support of the recommendation and provided suggestions and ideas: Rob Rader, Dennis Zane, Jason Van Buren and Ken Ward.

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

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

**RESOLUTIONS:
PREFERENTIAL
PARKING ZONE U**

11-A: Resolution creating Parking Zone "U" to restrict blocks closest to Santa Monica High School with "no parking, except by permit" and allow "two-hour parking, except by permit" in the remainder of the zone, and amending Resolution No. 9344 (CCS) by replacing Exhibit A, was presented.

The following members of the public spoke in support of preferential parking: Carolyn Feruzzi, Robert Studenny, James Dufourd, Susan Hartley and Debbie Mitchell.

Motion by Councilmember Genser, seconded by Councilmember Shriver, to approve recommendation and adopt resolution, deleting the portion of submitting an application to the Coastal Commission.

Discussion ensued on the merits of the motion and on the need to discuss use of parking space at the new Civic Center parking structure. At the conclusion of the discussion, Councilmember Genser made a second motion:

Motion by Councilmember Genser, seconded by Councilmember Shriver, to continue consideration of this matter until there is a full Council present. The motion failed by the following vote:

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

Additional discussion ensued, after which the Mayor Pro Tem requested a vote on Councilmember Genser's first motion.

Councilmember Genser clarified for members of the public that although he is in support of his motion he plans to vote "no" in order to have the ability, as one of those voting on the prevailing side, to request that the matter return to Council for reconsideration.

Motion by Councilmember Genser, seconded by Councilmember Shriver, to approve recommendation and adopt resolution, deleting the portion of submitting an application to the Coastal Commission. The motion failed by the following vote:

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

Councilmember Shriver requested to change his vote to “no” for a final vote as follows:

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

Councilmember Genser requested that staff place on the next agenda a motion to reconsider this vote.

COUNCIL ITEMS:
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
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.

RESIGNATION

13-B: Recommendation to accept Josefina Santiago's letter of resignation from the Pier Restoration Corporation, and authorize the City Clerk to publish the vacancy, was presented.

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

CONTINUANCES OF APPEALS

13-C: Councilmembers Holbrook and O'Connor request that the City Council change its rules to direct Staff to schedule appeals on meeting nights when at least six Councilmembers are expected to be present. In the event that an appeal is ready to be heard and fewer than six Councilmembers are present, the appellant shall have the option to continue the hearing to a future date.

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

VOTING DELEGATE(S)

13-D: Designation of City's voting delegate and alternate(s) to the League of California Cities Annual Conference in Sacramento from September 5, to September 8, 2007, was presented.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem Katz, to designate Mayor Bloom as the voting delegate for the City, and designate Councilmember McKeown as the alternate voting delegate. The motion was unanimously approved by voice vote, with Councilmember McKeown and Mayor Bloom absent.


PUBLIC INPUT:

Members of the public M. Ross, Debbie Mitchell, Dawn Harrison and Pro Se discussed various issues.

ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 12:38 a.m., in memory of Martin Libuser, long time city resident; Claudia Thompson, legal administrative staff assistant in the City Attorney's Office; and Aaron Bloom, father of Mayor Richard Bloom.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Herb Katz
Mayor Pro Tem