

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

AUGUST 14, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 5:51 p.m., on Tuesday, August 14, 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

Also Present: City Manager P. Lamont Ewell
Assistant City Attorney Joseph Lawrence
City Clerk Maria M. Stewart

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 5:51 p.m., with all members present. Ellen Gelbard, Assistant Director of Planning and Community Development, 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, George Wolfberg, M. Ross, Yvonne Raphael, Jerry Rubin, Ken Ward, and Brian Hutchings commented on various Consent Calendar items.

At the request of Councilmember Genser, Items 1-I and 1-G were removed from the Consent Calendar. At the request of Councilmember Shriver, Item 1-E was removed from the Consent Calendar.

Motion by Mayor Pro Tem Katz, seconded by Councilmember Genser, to approve all items on the Consent Calendar as presented except Items 1-E, 1-G, and 1-I, 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,

McKeown, Mayor Pro Tem Katz, Mayor Bloom

NOES: None

ABSENT: None

MINUTES

1-A: **The minutes** July 24, 2007, City Council meeting were approved as submitted.

**URBAN AREA
SECURITY GRANT
FUNDS**

1-B: **Acceptance and appropriation of FY 2006 Urban Area Security Initiative Grant Funds** – recommendation to authorize the City Manager to accept the FY 2006 Urban Area Security Initiative Grant, and authorize budget changes in the report, was approved.

1829 11TH STREET

1-C: **Resolution No. 10232 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 67756 FOR A 3-UNIT CONDOMINIUM PROJECT AT 1829 ELEVENTH STREET,”** was adopted.

CASH MGMT. SOFTWARE SYSTEM

1-D: **Purchase of Cash Management Software System** – recommendation to authorize the City Manager to execute Contract No. 8812 (CCS) with The Active Network, in the amount of \$235,000, for the purchase of a cash management software system and related hardware, and annual maintenance costs in the amount of \$22,300 per year for five years, was approved.

2219 OCEAN AVENUE

1-F: **Certification of Statement of Official Action denying Appeal of Landmarks Commission Designation of the Property at 2219 Ocean Avenue as a City Landmark,** was approved.

CONGESTION MGMT. PROGRAM

1-H: **Public Hearing held, and Resolution No. 10234 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA FINDING THE CITY TO BE IN COMPLIANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTION OF RELATED DEVELOPMENT REPORT,”** was adopted.

RADIO COMMUNICATION EQUIPMENT

*Councilmember Shriver
was excused at 6:07 p.m.*

1-E: **Contract with Motorola for maintenance of Police and Fire Radio Communication Equipment** – recommendation to authorize the City Manager to waive competitive bidding and negotiate and execute Contract No. 8813 (CCS) sole source contract with Motorola, in the amount of \$123,915, to continue maintenance and repair agreements with Police and Fire for radio communication equipment for a period of one year, with three additional one-year renewal options, was presented.

Councilmember Shriver advised he had a conflict of interest with this

matter and requested to be excused.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve recommendation. 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

**TENANT RELOCATION
BENEFITS**

*Councilmember Shriver
returned at 6:08 p.m.*

1-G: **Resolution No. 10233 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA QUANTIFYING PER DIEM AMOUNTS FOR TEMPORARY TENANT RELOCATION BENEFITS," was presented.

Councilmember Genser advised he removed this item from the Consent Calendar to ask a question as to how the action recommended related to mobile homes. Assistant City Attorney Joseph Lawrence responded to the question.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to adopt resolution, 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 Pro Tem Katz, Mayor Bloom
NOES: None
ABSENT: None

**PALISADES BLUFF
IMPROVEMENT**

1-I: **Resolution No. 10235 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING MITIGATED NEGATIVE DECLARATION/MITIGATION MONITORING REPORTING PROGRAM FOR THE PALISADES BLUFF IMPROVEMENT PROJECT; AND AUTHORIZE THE CITY ENGINEER TO PROCEED WITH THE DEVELOPMENT OF BIDDING DOCUMENTS TO IMPLEMENT THE PROJECT," was presented.

Councilmember Genser advised he removed this item to get some clarification related to the scope of the project and to traffic monitoring and mitigation. Staff clarified the phases of the project and their impact.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to

adopt resolution, 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 Pro Tem Katz, Mayor Bloom
NOES: None
ABSENT: None

**RECESS TO SPECIAL
JOINT MEETING**

On order of the Mayor, the regular City Council meeting was recessed at 6:12 p.m., to a joint meeting with the Redevelopment Agency with all members present.

**2ND AND 4TH STREET
IMPROVEMENTS**

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE
REDEVELOPMENT AGENCY:**

1-J: **Award of Contracts for 2nd and 4th Streets Pedestrian & Streetscape Improvements** - recommendation that Council award a construction contract to Griffith Company, in the amount of \$7,248,650, for a total amount not to exceed \$7,611,083; authorize the City Manager to negotiate and execute a professional services agreement with PBS&J Company, in the amount of \$600,000, for construction management services; authorize the City Manager to execute a Cooperation Agreement between the City and the Redevelopment Agency for costs associated with the 2nd and 4th Streets Pedestrian and Streetscape Improvement Project (Project); and adopt a resolution finding the proposed improvements are of benefit to the Earthquake Recovery Redevelopment Project Area. Recommendation that the Redevelopment Agency authorize the Executive Director to execute a Cooperation Agreement between the City and the Redevelopment Agency for payment of costs associated with the Project; and adopt a resolution finding that the proposed improvements are of benefit to the Earthquake Recovery Redevelopment Project area, was presented.

Members of the public Joey Fullmer, Andrew Nestler, Michele Modglin, Kathy Knight, Dan Jansenson, Alex Mann, Reina Alvarez, Isaac Cramlet, Joe Natoli, Arthur Harris, Chris Paine, and Jerry Rubin spoke in opposition of the removal of healthy trees as part of the project.

Members of the public Barbara Bryan and Kathleen Rawson spoke in support of the project.

Motion by Councilmember McKeown, to approve recommendation,

amended to eliminate the removal of healthy trees. The motion failed for lack of a second.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to award Contract No. 8813 (CCS) to Griffith Company; and authorize the City Manager to negotiate and execute Agreement No. 8814 (CCS) with PBS&J Company. The motion was approved by the following vote:

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

Councilmember McKeown stated, for the record, that he voted in opposition because he believes the removal of healthy mature shade trees is an unwise use of public funds and runs counter to the City's environmental commitment to preserving and augmenting the City's urban forest.

Motion by Agency/Councilmember O'Connor, seconded by Agency/Councilmember Genser, authorize the City Manager/Executive Director to execute Cooperation Agreement No. 8815 (CCS/RAS) between the City and the Redevelopment Agency for payment of costs associated with the Project; and adopt respective Resolution Nos. 10237 (CCS) and 504 (RAS) finding that the proposed improvements are of benefit to the Earthquake Recovery Redevelopment Project area. The motion was approved by the following vote:

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

Agency/Councilmember McKeown stated, for the record, that he voted in opposition because he believes the removal of healthy mature shade trees is an unwise use of public funds and runs counter to the City's environmental commitment to preserving and augmenting the City's urban forest.

**RECESS OF SPECIAL
JOINT MEETING**

On order of the Mayor, the City Council recessed the special joint meeting at 7:18 p.m., and reconvened to its regular meeting with all members present.

CLOSED SESSIONS:

Member of the public Brian Hutchings commented on the closed session item listed as 2-E.

On order of the Mayor, the City Council recessed to hear closed sessions at 7:20 p.m., and returned at 8:51 p.m., with all members present to report the following:

2-A: Public Employee Evaluations.

Title of Employees: City Attorney, City Clerk, City Manager

Assistant City Attorney Lawrence reported this matter was not heard.

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

Motion by Councilmember O'Connor, seconded by Councilmember Holbrook, to approve settlement in the amount of \$19,000. The motion was approved by the following vote:

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

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

Motion by Councilmember O'Connor, seconded by Councilmember Holbrook, to approve settlement in the amount of \$38,500. The motion was approved by the following vote:

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

2-D: 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.

Assistant City Attorney Lawrence reported this matter was not heard.

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

Assistant City Attorney Lawrence reported this matter was not heard.

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

Assistant City Attorney Lawrence reported this matter was heard, and no reportable action was taken.

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.**

Assistant City Attorney Lawrence reported this matter was heard, and no reportable action was taken.

2-H: **Conference with Legal Counsel - Existing Litigation: Batul Hadjian Torab v. City of Santa Monica, Los Angeles Superior Court Case No. SC 085339.**

Assistant City Attorney Lawrence reported this matter was not heard.

ORDINANCES:
HEDGES, FENCES,
WALLS

7-A: **Second reading and adoption of Interim Ordinance No. 2236 (CCS) entitled: "AN INTERIM ORDINANCE OF THE CITY OF SANTA MONICA TO EXTEND THE CURRENT INTERIM ORDINANCES MODIFYING FENCE, WALL AND HEDGE STANDARDS, GRAND-PARENTING 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,"** was presented.

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

LIBRARY OBLIGATION BONDS 7-B: **First reading and adoption of Ordinance No. 2237 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA SETTING THE 2007/08 TAX RATE FOR THE 1990 AND 2002 LIBRARY GENERAL OBLIGATION BONDS,"** was presented.

There was no one present for public comment.

Motion by Mayor Pro Tem Katz, 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,
McKeown, Mayor Pro Tem Katz, Mayor Bloom
NOES: None
ABSENT: None

STAFF ITEMS:
CIVIC CENTER
VILLAGE

CONTINUED SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY:

On order of the Mayor, the regular City Council meeting was recessed at 8:56 p.m., and the joint special meeting of the City Council and the Redevelopment Agency was reconvened with all members present.

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, was presented.

The following members of the public commented, expressed concerns, and provided ideas and suggestions for the project: Joey Fullmer, Beth

Leder-Pack, Stephanie Barbanell, Bruria Finkel, Ken Ward, Margaret Mills, Joanne Leavitt, Abby Arnold, Paul De Santis, Tony Vasquez, Joe Natoli, Fred Whitlock, Jerry Rubin, Marie Blakey, Janet McKeithen, Marilyn Korade Wilson, Susan Love Longhiller, Patricia Hoffman, Joan Ling, Arthur Harris, Gregg Brogger, Mario Fonds Bonardi and Mike Feinstein.

Motion by Agency Member McKeown, seconded by Chair Pro Tem Katz, 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, based on the general massing as presented by staff including the shown, or significantly greater, stepbacks off of Ocean Avenue, analyzing the effects of a possible parking entrance under Olympic Drive, and including landscaping at ground level.

AYES: Agency Members Genser, O'Connor, McKeown, Chair Pro Tem Katz, Chair Bloom
NOES: Agency Members Shriver, Holbrook
ABSENT: None

Agency Member Shriver stated for the record that his "no" vote related primarily to the proposed height of buildings and the widespread input from residents against greater heights.

Agency Member Holbrook stated for the record that his "no" vote was due to his concern that the proposed height of the buildings is too high.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Katz, to authorize staff to begin Development Agreement negotiations with the Related Companies of California. The motion was approved by the following vote:

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

**ADJOURNMENT OF
SPECIAL JOINT MTG.**

On order of the Mayor, the special joint meeting of the City Council and the Redevelopment Agency was adjourned at 10:41 p.m., and the regular City Council meeting was reconvened with all members present.

COUNCIL ITEMS:
ANNUAL APPTS.

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

On order of the Mayor, appointments to the Airport Commission were continued to the next Council meeting.

Architectural Review Board	1	6/30/2011
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Mayor Pro Tem Katz nominated incumbent Edouard Mimieux. There being no other nominations, Mr. Mimieux was appointed by acclamation.

Arts Commission	3	6/30/2011
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Councilmember McKeown nominated incumbent Donna Sternberg. There being no other nominations, Ms. Sternberg was appointed by acclamation.

Councilmember McKeown nominated incumbent Fred Dewey. Mr. Dewey was appointed by voice vote, with Councilmember Holbrook voting in opposition.

Mayor Pro Tem Katz nominated Rebecca Jewell Holbrook.

Councilmember McKeown nominated Asuka Hisa.

Ms. Holbrook was appointed by the following vote:

Holbrook:	Councilmembers Holbrook, Shriver, O'Connor, Mayor Pro Tem Katz, Mayor Bloom
Hisa:	Councilmembers Genser, McKeown

Councilmember Genser requested to change his vote to Ms. Holbrook for the following final vote:

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

Planning Commission

3

6/30/2011

Mayor Pro Tem Katz nominated Terry O'Day.

Councilmember McKeown nominated Darrell Clarke for a third term.

Mr. O'Day was appointed by the following vote:

O'Day: Councilmembers Holbrook, Shriver, O'Connor, Mayor
Pro Tem Katz, Mayor Bloom

Clarke: Councilmembers Genser, McKeown

Councilmembers McKeown and Genser requested to change their votes for Mr. O'Day for a unanimous appointment.

Councilmember McKeown nominated Darrell Clarke.

Mayor Pro Tem Katz nominated Jim Ries

Mr. Ries was appointed by the following vote:

Clarke: Councilmembers Genser, McKeown

Ries: Councilmembers Holbrook, Shriver, O'Connor, Mayor
Pro Tem Katz, Mayor Bloom

Councilmembers Genser and McKeown requested to change their vote to Mr. Ries for a unanimous appointment.

Councilmember O'Connor nominated Gleam Davis.

Councilmember Shriver nominated Steve Glen.

Ms. Davis was appointed by the following vote:

Davis: Councilmembers Genser, O'Connor, McKeown, Mayor
Pro Tem Katz, Mayor Bloom

Glen: Councilmembers Holbrook, Shriver

Councilmembers Holbrook and Shriver requested to change their vote to Ms. Davis for a unanimous appointment.

Recreation & Parks Commission 1

6/30/2011

Mayor Pro Tem Katz nominated Jenna Linnekens.

Motion by Councilmember O'Connor, seconded by Councilmember Holbrook, to look at possible rule changes including the options that if there are five or less Councilmembers present, appellant has the option of requesting a continuance; or, to consider changing the definition of a "majority" vote from a majority of seven members to a majority of those present. The motion was approved by voice vote, with Councilmember McKeown voting in opposition.

Councilmember McKeown stated for the record that he voted in opposition because he believes that the problem is not rules, but Council relationships and collegial courtesy.

RESIGNATION

Mayor Pro Tem Katz was excused at 11:28 p.m.

13-D: Recommendation to accept Maria Y. Hernandez's resignation from the Social Services Commission and authorize the City Clerk to publish the vacancy, was presented.

Motion by Councilmember Holbrook, seconded by Councilmember Genser, to approve the recommendation. The motion was unanimously approved by voice vote, with Mayor Pro Tem Katz absent.

PREFERENTIAL PARKING ZONE U

13-E: Request of Councilmembers Genser and Shriver that the Council vote to reconsider the action taken on Item 11-A at the July 24, 2007, Council Meeting related to a Resolution concerning Parking Zone "U". If the Council votes to reconsider the item, a hearing will be scheduled at a future Council meeting, was presented.

Member of the public Carolyn Feruzzi spoke in support of the request.

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

PUBLIC INPUT

Members of the public Joe Natoli, Brian Hutchings, Yvonne Raphael, and Daniella Euliano discussed and commented on various issues.


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 11:43 p.m.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor