

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

OCTOBER 23, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 5:50 p.m., on Tuesday, October 23, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Richard Bloom
Mayor Pro Tem Herb Katz
Councilmember Ken Genser
Councilmember Kevin McKeown
Councilmember Pam O'Connor
Councilmember Bobby Shriver (arrived at 8:05 p.m.)

Absent: Councilmember Robert T. Holbrook

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 5:50 p.m., with Councilmembers Holbrook and Shriver absent. City Clerk Maria M. Stewart 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 Joy Fullmer, Louise Fish and Joe Natoli discussed various Consent Calendar items.

At the request of Councilmember McKeown, Item 1-A was removed from the Consent Calendar.

At the request of Mayor Bloom, Item 1-K was removed from the Consent Calendar.

Motion by Mayor Pro Tem Katz, seconded by Councilmember

McKeown, to approve all items on the Consent Calendar as presented except Items 1-A and 1-K, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

BBB WINDOW GUARDS 1-B: **Plexiglass Window Guards** - recommendation to award Bid No. 2929 to Transit Products and Services, in the estimated amount of \$495,000, to provide Plexiglas window guards for BBB buses, was approved.

BBB TIRES AND RELATED SERVICES 1-C: **Lease of tires and related tire services for the BBB** - recommendation to award Bid No. 2932, and authorize the City Manager to negotiate and execute Contract No. 8836 (CCS) with Goodyear Tire & Rubber Company, in the amount of \$2,650,000, for the lease of tires and to provide related tire services, was approved.

MILLS ACT AGREEMENTS 1-D: **Mills Act Historical Property Agreements** - recommendation to adopt respective Resolution Nos. 10250 and 10251 (CCS) authorizing the City Manager to negotiate and execute Mills Act Historic Property Preservation Agreement Nos. 8837 and 8838 (CCS) with property owners of 822 Euclid Street and 2544 3rd Street, was approved.

DIAL-A-RIDE VEHICLES 1-E: **Purchase of Dial-a-Ride vehicles** - recommendation to award a purchase order in the amount of \$110,754, to BusWest for two paratransit buses; and a purchase order to Creative Bus Sales, in the amount of \$157,981, for the purchase of four low-floor wheelchair accessible mini-vans, was approved.

ITEM WITHDRAWN 1-F: **Item withdrawn.**

RESIDENTIAL REHAB PROGRAM 1-G: **Residential Rehabilitation Program** - recommendation to authorize the City Manager to negotiate and execute Agreement No. 8839 (CCS) with Comprehensive Housing Services, in the estimated amount of \$300,000 annually for a three-year term, for administration of the Program, was approved.

851 19th STREET 1-H: **Resolution No. 10252 (CCS) entitled: "A RESOLUTION OF**

THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 61408 FOR A 4-UNIT CONDOMINIUM PROJECT AT 851 19TH STREET," was adopted.

BBB EXPANSION PROJECT

1-I: **Subsurface abatement services for the BBB Expansion Project** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8840 (CCS) with General Environmental Management, in the amount of \$655,380, to provide subsurface abatement services, was approved.

SEWER SYSTEM MANAGEMENT PLAN

1-J: **Sewer System Management Plan** - recommendation to approve a development plan for a Sewer System Management Plan in compliance with newly enacted Statewide General Waste Discharge Requirements, was approved.

CIVIC AUDITORIUM CARPET

1-L: **Purchase of carpet for Civic Auditorium** - recommendation to award Bid No. 2935 to M & M Floor Covering, in the amount of \$147,207, to provide carpet for the Civic Auditorium, was approved.

917-921 19th STREET

1-M: **Resolution No. 10253 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 61029 FOR AN 8-UNIT CONDOMINIUM PROJECT AT 917-921 19TH STREET," was adopted.

1122 26th STREET

1-N: **Resolution No. 10254 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 66844 FOR A 4-UNIT CONDOMINIUM PROJECT AT 1122 26TH STREET," was adopted.

PERMIT/PLAN IMAGING

1-O: **Permit and Plan Document Imaging** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8843 (CCS) with PC Imaging, in the amount of \$150,000, to scan, index and import permit and plan documents, was approved.

939 SAN VICENTE

1-P: **Statement of Official Action taken approving Tentative Parcel Map No. 63173 for a two-lot subdivision at 939 San Vicente Boulevard,** was approved.

PAVEMENT MGMT.

1-A: **Updating Pavement Management System and appropriation**

SYSTEM

of grant funds - recommendation to authorize the City Manager to negotiate and execute Agreement No. 8835 (CCS) with KMS and Associates, Inc., in an amount of \$120,000, for updating the Pavement Management System; and approve proposed appropriation of funds, was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar to ask questions related to bike paths and multi-modal types of transportation. Staff answered questions of Councilmembers.

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

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

1-K: Colorado/Ocean Relief Sewer Construction Project - recommendation to authorize the City Manager to negotiate and execute Contract No. 8841 (CCS) with Steve Bubalo Construction Company, in the amount of \$8,442,150; and Contract 8842 (CCS) with Tetra Tech, Inc., in the amount of \$1,502,000, for construction management and construction inspection services, was presented.

Mayor Bloom advised that he removed this item from the Consent Calendar to ask what process will be followed for planning and noticing residents regarding the impacts of the project. Staff answered questions of councilmembers.

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

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

CLOSED SESSIONS:

Members of the public Jerry Rubin and Daniel Jensenson commented on Item 2-A and the subject employees' performance.

On order of the Mayor, the City Council recessed at 6:21 p.m., to consider closed sessions and returned at 7:16 p.m., with Councilmembers Shriver and Holbrook absent, to report the following:

2-A: Public Employee Evaluations.

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

ACTION: Not Heard.

2-B: Conference with Legal Counsel - Pending Litigation: Brogger v. City of Santa Monica, LASC Case No. BC 378071.

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 315 186.

ACTION: Heard. No reportable action taken.

2-D: 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-E: 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-F: Conference with Legal Counsel - Existing Litigation: Rafael Fellah v. City of Santa Monica, Case No. SC 092 565.

Motion by Mayor Pro Tem Katz, seconded by Councilmember McKeown, to approve settlement in the amount of \$25,000. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmembers Shriver, Holbrook

STUDY SESSION:
PUBLIC FINANCING OF
ELECTIONS

*Mayor Pro Tem Katz was
excused at 8:30 p.m.*

On order of the Mayor, and with the consensus of Council, Items 3-A and 13-G were heard concurrently.

3-A: Public Funding of Election Campaigns - recommendation that Council review the information contained in this report and provide direction to staff, was presented.

13-G: Request of Councilmember McKeown that Council identify improvements in election and campaign finance rules as may be suggested by study of item 3-A, and direct staff to return in a timely fashion with resolutions, ordinances or ballot measures necessary to effect agreed-upon Council policies for such improvements, was presented.

Members of the public Russell Sydney, Hilary Kaye, Joy Fullmer, Ellis Perlman, John Petz, Genise Schnitman, Brandon Marlowe, Sean Levin, Susan Lerner, Ellen Brennan, Roy Ulrich, Carmen Balber, Joe Natoli, Bruce Cameron, Tom Larmore, Jerry Rubin, Xandra Kayden, and Jon Mann discussed various aspects of the subject matter and the information provided by staff.

Discussion ensued on the information provided by staff and on comments made by members of the public related to a new "fair fight fund" concept option for public financing.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to direct staff to look into what it would take to have a true Santa Monica solution, establish a workable definition of an "attack campaign," determine dollar limits where such campaigns begin to distort local democracy, and figure out ways to protect the attacked candidates with a "fair fight fund," with staff to return before the end of the calendar year. The motion failed by the following vote:

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

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to direct staff to return as soon as possible with a report on issues regarding enforcement of existing laws, clearing up any potential ambiguities in existing law, and possible legislation that can be adopted by the Council to deal with contributions in general to make sure that the laws are clear, and in particular, options for regulating contributions to independent expenditure committees. The motion was unanimously

approved by voice vote, with Councilmember Holbrook and Mayor Pro Tem Katz absent.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to direct staff to schedule another hearing on this issue including all the options that have been discussed and not close the door on campaign finance reform. The motion failed by voice vote with Councilmembers Shriver, O'Connor, and Mayor Bloom voting in opposition, and Councilmembers Holbrook and Mayor Pro Tem Katz absent.

SPECIAL ITEMS:

4-A: A proclamation declaring October 2007 to be *Disability Awareness Month in the City of Santa Monica*, was issued by Mayor Bloom.

ADMIN. ITEMS:

6-A: Appeal of Landmarks Commission designation of the property at 423-431 Ocean Avenue as a City Landmark - recommendation to deny the appeal and designate the property as a City Landmark based on the findings set forth by the Landmarks Commission.

On order of the Mayor, and at the request of the appellant, this matter to be continued to a future meeting.

ORDINANCES:
RELOCATION
BENEFITS

Councilmember Genser was excused at 9:26 p.m.

7-A: Second reading and adoption of Ordinance No. 2240 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING MUNICIPAL CODE SECTIONS 4.36.040 AND 4.36.110 TO CLARIFY THE COUNCIL'S INTENT WITH RESPECT TO THE TIMING OF PERMANENT RELOCATION BENEFITS INCREASES," was presented.

Councilmember Genser requested to be excused from participating in this matter due to a conflict of interest.

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

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

CIVIL SERVICE RULES AND REGULATIONS'

7-B: Second reading and adoption of Ordinance No. 2241 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING MUNICIPAL CODE CHAPTER 2.04 MANUAL OF CIVIL SERVICE RULES AND REGULATIONS," was presented.

Councilmember Genser returned at 9:27 p.m.

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

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

LMS AND M1 DISTRICTS DEVELOPMENT STANDARDS

7-C: Introduction and adoption of Emergency Interim Ordinance No. 2242 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA EXTENDING THE INITIAL INTERIM ORDINANCE MODIFYING THE DEVELOPMENT STANDARDS IN THE LIGHT MANUFACTURING STUDIO DISTRICT AND THE INDUSTRIAL CONSERVATION ZONING DISTRICTS TO ONLY AUTHORIZE DEVELOPMENT THAT DOES NOT EXCEED 7,500 SQUARE FEET OR FIFTEEN UNITS IN THE LMSD OR 5 UNITS IN THE M1 UNLESS THE DEVELOPMENT IS UNDERTAKEN PURSUANT TO A DEVELOPMENT AGREEMENT OR IS A CITY PROJECT, TO REQUIRE A DEVELOPMENT AGREEMENT TO AUTHORIZE CHANGES OF USE ON PARCELS IN THE LMSD THAT EXCEED 32,000 SQUARE FEET AND ON PARCELS IN THE M1 THAT EXCEED 15,000 SQUARE FEET, IF THE CHANGE OF USE INVOLVES MORE THAN 7,500 SQUARE FEET OF FLOOR AREA, AND TO ESTABLISH EXCEPTIONS AND DECLARING THE PRESENCE OF AN EMERGENCY," was presented.

Member of the public Joey Fullmer expressed various concerns. Members of the public Chris Harding, Tom Larmore, Zina Josephs and Joe Natoli discussed various aspects of the proposed ordinance.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to introduce and adopt the ordinance, reading by title only and waiving further reading thereof. The motion failed by the following vote:

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

Councilmember McKeown stated, for the record, that he voted in opposition because he is wary of another Council concession to creeping gentrification in Santa Monica; that he is painfully aware that without the special exemptions that the City provides, affordable housing just doesn't happen in Santa Monica and that these are some of the few areas in town that are inexpensive enough to make affordable housing possible at all.

Councilmember McKeown further stated that having stated his reasons for the record, because this ordinance requires five votes for its adoption, he requested to change his vote to a "yes" vote.

Mayor Bloom requested to change his vote to a "yes" vote.

The motion was approved by the following vote:

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

**BANNERS ON STREET
POLES**

7-D: Introduction and first reading of an ordinance amending Chapter 4 of the Municipal Code to clarify the City's authority to hang non-commercial banners from street-light poles, in addition to over-the-street banners, for the purpose of promoting city-produced or co-produced events or more generally for promoting or calling attention to the city, its resources, businesses districts, attractions, and to celebrate holidays and to authorize the City Manger to approve administrative guidelines, was presented.

Member of the public Eric Zurbrugg spoke in support of the ordinance.

Discussion ensued on the purpose of the ordinance, the cost of printing and placing banners on poles, first amendment rights issues that may be triggered by adoption of this ordinance and potentially limiting use of banners for holidays or specific issues or advertising a city-sponsored event.

Motion by Councilmember Genser, seconded by Mayor Bloom, to introduce the ordinance, reading by title only and waiving further reading thereof, and amending the ordinance to permit hanging banners to promote city-produced or city co-produced events and activities, for the purpose of promoting or calling attention to the city, to celebrate holidays, or for aesthetic enhancement. The motion was approved by the following vote:

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

**STAFF ITEMS:
PUBLIC SAFETY
STORAGE FACILITIES**

8-A: Construction of Public Safety Storage Facilities for the Fire and Police Departments - recommendation to approve the project locations; approve the proposed schematic designs for both facilities; and direct staff to proceed with a request to bid process and return with recommendation for a design/build consultant, was presented.

The following members of the public expressed concerns, including but not limited to the design, location and impact of the proposed project: Paul Blount Brian Bland, Jule Lamm, Joe Natoli, Zina Josephs, Lorraine Sanchez, Susan Hartley, Debra Thorne Ouzounian, Peter Thorson, David Kaplan, and Catherine Eldridge.

There was no action taken after public comment. Council provided direction to staff including following a process that mirrors a typical project approach and identifying additional alternative locations, appropriate level of funding, and improved project aesthetics.

**LIGHT RAIL DRAFT
EIR/EIS**

*Councilmember Shriver was
excused at 11:45 p.m.*

8-B: Alternative Alignment on Colorado Avenue in Phase 2 Light Rail Draft EIR/EIS - recommendation to authorize a request to the Exposition Construction Authority to study an alternative alignment on Colorado Avenue that would allow an at-grade station in downtown Santa Monica and would assume removal of one travel lane in each direction to accommodate the light rail line; recommend to the Authority to study an Olympic Boulevard alternative that preserves the median island and coral trees and assumes removal of one travel lane in each direction; and authorize \$300,000 for the Exposition Construction Authority to study the additional Colorado alternative, was presented.

Members of the public Russell Sydney and Darrell Clark commented on various aspects of the project.

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

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

**PRIVATE EVENT FIRE-
WORKS DISPLAY**

8-C: Information Regarding the Impacts of Fireworks Displays and Recommendation to Deny the Pending Request for Fireworks on Santa Monica State Beach for a Private Event, was presented.

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

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

**COUNCIL ITEMS:
APPOINTMENTS**

13-A: Appointment to one unscheduled vacancy on the Pier Restoration Corporation Board of Directors for a term ending November 13, 2010.

13-B: Appointment to one special vacancy on the Bayside District Corporation for a term ending June 30, 2010.

On order of the Mayor, Items 13-A and 13-B were continued to the next Council meeting.

RESIGNATIONS

On order of the Mayor, Items 1-C through 13-F to be considered in one motion.

13-C: Recommendation to accept Kavita Patel's resignation from the Pier Restoration Corporation and authorize the City Clerk to publish the vacancy.

13-D: Recommendation to accept Cassandra Muzzey's resignation from the Commission on the Status of Women and authorize the City Clerk to publish the vacancy.

13-E: Recommendation to accept Michael D. Guerin's resignation from the Bayside District Corporation and authorize the City Clerk to publish the vacancy.

13-F: Recommendation to accept Azita Mosbat's resignation from the Personnel Board and authorize the City Clerk to publish the vacancy.

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

13-H: Request of Mayor Bloom that the Council consider providing direction to staff regarding amending existing law relating to frequency of council meetings and evaluating city council compensation and staffing.

On order of the Mayor, this matter was continued to the next Council meeting.

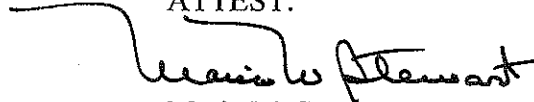
PUBLIC INPUT:

Member of the public M. Ross discussed various subjects.


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 12:18 a.m., to Tuesday, October 30, 2007, in memory of Betty Tomeo, Max Greenberg and Sol Morrison.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor