

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

OCTOBER 9, 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 9, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Richard Bloom
Councilmember Ken Genser
Councilmember Robert T. Holbrook
Councilmember Kevin McKeown

Absent: Councilmember Bobby Shriver
Councilmember Pam O'Connor
Mayor Pro Tem Herb Katz

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 Shriver, O'Connor, and Mayor Pro Tem Katz absent. Assistant City Attorney Joseph Lawrence 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 Joy Fullmer expressed various concerns. Randy Walburger and Ken Ward spoke in support of Item 1-D.

At the request of the City Manager, Item 1- C was removed and continued to the next meeting due to a required five votes needed for approval and only four Councilmembers being present.

Motion by Councilmember McKeown, seconded by Councilmember Holbrook, to approve all items on the Consent Calendar as presented, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINUTES

1-A: **The minutes** of the September 11, and September 25, 2007, City Council meetings were approved.

BEACH GREENING

1-B: **Beach greening project** – recommendation to authorize the City Manager to negotiate and execute Contract No. 8830 (CCS) with PCN3, Inc., in the amount of \$535,552, for the Beach Greening Project, was approved.

PAVEMENT MANAGEMENT

1-C: **Updating Pavement Management System and appropriation of grant funds** - recommendation to authorize the City Manager to negotiate and execute an agreement with KMS and Associates, Inc., in an amount of \$120,000, for updating the Pavement Management System; and approve proposed appropriation of funds.

Item withdrawn at City Manager's request and continued to October 23, 2007.

MOUNTAINVIEW' MOBILE HOME PARK

1-D: **Reject bids for the Mountain View Mobilehome Park Utility & Site Improvements Project and authorize negotiations** – recommendation to authorize the City Manager to reject all bids received for the Project, waive formal bidding procedures, and authorize the City Engineer to negotiate with the two responsive bidders for the construction of the project, was approved.

SIDEWALK REPAIR PROJECT

1-E: **Citywide Sidewalk Repair Project** – recommendation to authorize the City Manager to negotiate and execute: Contract No. 8831 (CCS) with CJ Concrete Construction, Inc., in the amount of \$1,238,100, for construction of the project; and Agreement No. 8832 (CCS) with DMR TEAM, Inc., in the amount of \$197,000, for construction management and inspection services, was approved.

TAX AND AUDITING SERVICES

1-F: **Property and documentary transfer tax auditing, fiscal consultant reports, tax information reporting services and other related services** – recommendation to authorize the City Manager to negotiate and execute Agreement No. 8833 (CCS) with HdL Coren & Cone, in the amount of \$465,000, to provide the City and the Redevelopment Agency with property and documentary transfer tax auditing services, fiscal consultant reports associated with bonds, tax

information reporting services and other related services, was approved.

ICE SKATING RINK

1-G: Proposed use of property located at 1324 and 1326 5th Street for seasonal ice skating event - recommendation to authorize the City Manager to negotiate and execute License Agreement No. 8834 (CCS) with the Bayside District Corporation for use of City-owned property at 1324 and 1326 5th Street, for a seasonal ice skating event, was approved.

CLOSED SESSIONS:

Members of the public Tom Nitti, Andrea Drever, Freida Dubin, Michele Modglin, Dan Jansenson, Caroline Jacobs, Pro Se, Scott Smith, Kate Holt, Louise Steiner, Susan Hartley, Charles Fredricks, Joe Faris, Allison Freeman, Debra Fredricks, Hillary Kaye, Brian Hutchings, and Apryl Mefford Henaver spoke in opposition to the cutting down of city trees as related to Item 2-D.

On order of the Mayor, the City Council recessed to consider closed sessions at 6:30 p.m., and returned at 7:37 p.m., with Councilmembers Shriver, O'Connor, and Mayor Pro Tem Katz 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 - 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.

2-C: 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 219 Ocean Avenue.

ACTION: Not Heard.

2-D: Conference with Legal Counsel - Existing Litigation: Treesavers v. City of Santa Monica, Case No. (pending) (filed: October 5, 2007).

ACTION: Heard. No reportable action taken.

2-E: Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(b): including one matter involving the Village Trailer Park.

ACTION: Heard. No reportable action taken.

SPECIAL ITEMS:

4-A: Mayor Bloom issued a commendation to Little League California District 25 Girls Minor League "Angels" Softball Team – Tournament of Champions winners.

ADMIN. ITEMS:

6-A: Appeal of Landmarks Commission's denial of reconstruction of brick work at 2402 4th Street - recommendation to deny appeal and uphold the Landmarks Commission's denial of certificate of appropriateness.

On order of the Mayor and at the request of staff, this matter was continued to future meeting.

ORDINANCES:
TENANT HARASSMENT

7-A: Second reading and adoption of an Ordinance No. 2239 (CCS) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING MUNICIPAL CODE SECTION 4.56.020 RELATING TO TENANT HARASSMENT TO CONFIRM TO A RECENT DECISION OF THE CALIFORNIA SUPREME COURT," was presented.

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

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

**RELOCATION
BENEFITS**

7-B: Second reading and adoption of an ordinance 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.

On order of the Mayor, this matter was continued to the next meeting due to Councilmember Genser's need to recuse himself due to a conflict of interest, and thereby leaving only three Councilmembers present and a

lack of a quorum.

**CIVIL SERVICE RULES
AND REGULATIONS**

7-C: Introduction and first reading of an ordinance amending Municipal Code Chapter 2.04 Manual of Civil Service Rules and Regulations, was presented.

There was no one present for public comment.

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

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

**STAFF ITEMS:
AIRPORT RUNWAY
SAFETY**

8-A: Request for direction on implementation of runway safety enhancements at the Santa Monica Airport by preparing an ordinance for Council consideration, seeking legislative changes and other means, was presented.

Members of the public Russell Sydney, Lorraine Sanchez, Zina Josephs, Ping Ho, Brian Bland, Diane Moss, Yoram Tal, Susan Hartley, Peter Donald, Cathy Larson, William Sadler, Jim Donaldson, Jean Gebman, Gwen Rinehart, Martin Rubin, Susan Follet and M. Ross spoke in support of airport safety.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to direct staff to discuss the legislative aspect with the Airport Commission and then with the City Council, and to move forward with local legislation. The motion was approved by the following vote:

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

**VILLAGE TRAILER
PARK**

8-B: Discussion of Concept Plans for the Village Trailer Park site at 2930 Colorado Avenue – recommendation to direct staff to pursue the Development Agreement negotiation and review process with the applicant to determine if an appropriate project that satisfies the removal

requirements of City Charter §1803(t) can be identified and approved upon execution of memorandum of understanding; and discuss the applicant's Development Agreement proposal and provide direction regarding its potential public benefits and appropriateness for the redevelopment of the Village Trailer Park site and the consideration of alternatives, was presented.

Members of the public Joy Fullmer, Joan Verdon and David Engleberg expressed concerns regarding the proposed development of the site.

On order of the Mayor, this matter was continued to a future meeting where there are more than four Councilmembers present.

WRITTEN REQUESTS:
PRIVATE FIREWORKS
EVENT REQUEST

12-A: Request from Mona L. Kyle that Council approve the issuance of a fireworks display permit for a private wedding reception on November 3, 2007 to be held at the Jonathan Club, 850 Palisades Beach Road, Santa Monica, was presented.

Motion by Mayor Bloom, seconded by Councilmember McKeown, to direct staff to return with information and recommendations about standards, including environmental impacts of fireworks display and return at the next meeting.

Discussion ensued on the motion and its merits, and it was subsequently bifurcated into two parts: (a) staff to return in two weeks with recommendations on whether to allow this one-time requested event , and (b) to draw up a more permanent policy and return to Council at a later date.

The motion, as clarified, was unanimously approved by voice vote, with Councilmembers Shriver, O'Connor, and Mayor Pro Tem Katz absent.

COUNCIL ITEMS:
UNSCHEDULED
VACANCY

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

On order of the Mayor, and at the request of Councilmember Genser, this matter was continued to the next meeting.

PLASTIC BAG BAN

13-B: Request of Councilmember McKeown, pursuant to communication received by Council from the City's Task Force on the Environment, to direct staff to perform an analysis and generate recommendations to develop an effective ban on plastic bags for commercial establishments in Santa Monica, was presented.

Member of the public Brian Hutchings spoke in opposition of the proposal. Member of the public Mark Gold spoke in support of the proposal.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve recommendation including the use of all types of single use bags including paper bags. The motion was unanimously approved by voice vote, with Councilmembers O'Connor, Shriver, and Mayor Pro Tem Katz absent.

**ASSESSMENTS AND
IMPROVEMENT
DISTRICTS**

13-C: Request of Councilmember Genser that the Council direct the City Attorney to work with the Bayside District Corporation to analyze existing laws applicable to assessment districts and business improvement districts, and to return with appropriate revisions to local law necessary for the implementation of proposed changes to the downtown assessment and improvement districts, at the time those revisions will be considered by the council, was presented.

Member of the public Ned Landin discussed various aspects of the request.

Motion by Councilmember Genser, seconded by Mayor Bloom, to direct legal and management staff to work with the Bayside District in helping to clarify and formulate a policy and return to Council for consideration, as the Bayside District staff moves forward in presenting a proposal for revamping the business improvement districts and assessments in the downtown area. The motion was unanimously approved by voice vote with Councilmember O'Connor, Shriver, and Mayor Pro Tem Katz absent.

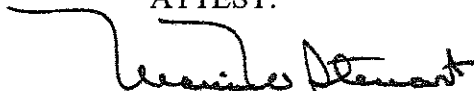
PUBLIC INPUT

Members of the public Pro Se, M. Ross Sheila Dean, Barbara Bluck, Brian Hutchings, Ned Landin and Linda Piera-Avila discussed various topics.


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 10:05 p.m.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor