

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

DECEMBER 11, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Katz at 5:49 p.m., on Tuesday, December 11, 2007, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Herb Katz
Mayor Pro Tem Richard Bloom
Councilmember Ken Genser
Councilmember Kevin McKeown
Councilmember Pam O'Connor

Absent: Councilmember Bobby Shriver
Councilmember Robert T. Holbrook

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 5:49p.m., with Councilmembers Holbrook and Shriver 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.

Member of the public Joey Fullmer expressed various concerns.

At the request of Councilmember Genser, Items 1-E and 1-F was removed from the Consent Calendar.

Motion by Councilmember O'Connor, seconded by Mayor Pro Tem Bloom, 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: Councilmembers McKeown, O'Connor, Genser, Mayor

Pro Tem Bloom, Mayor Katz
NOES: None
ABSENT: Councilmembers Holbrook, Shriver

MINUTES

1-A: **The of minutes of** October 30, 2007, City Council meeting were approved as submitted.

**PARKING CITATION
HEARING EXAMINER**

1-B. **Parking citation hearing examiner services** - recommendation to authorize the City Manager to negotiate and execute two-year Agreement No. 8865 (CCS) with Sherman and Levine Law Offices, to provide parking adjudication services from 1/1/08 through 12/31/09, with an option to extend for two additional two-year terms, was approved.

**COUNCIL MEETING
CANCELLED**

1-C: **Recommendation to cancel regular meeting scheduled for Tuesday, December 25, 2007,** was approved.

1327 EUCLID STREET

1-D: **Resolution No. 10265 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL SUBDIVISION MAP FOR TRACT NO. 063074 TO SUBDIVIDE A PROPERTY INTO FIVE UNITS AT 1327 EUCLID STREET,"** was adopted.

LUCE SERVICES

1-E: **Provision of services related to the Land Use and Circulation Element Concept Plan** – recommendation to authorize the City Manager to negotiate and execute an amendment to existing Contract No. 8866 (CCS) with: Nelson/Nygaard Consulting Associates, in the amount of \$250,000, to provide transportation planning services; and existing Contract No. 8867 (CCS) Moore Iacofano Goltsman, Inc., in the amount of \$375,000, for workshop preparation and facilitation and preparation; negotiate and execute Contract No. 8868 (CCS) with Whitney & Whitney, Inc., in the amount of \$145,000, for an economic feasibility and market study and other related services; and approve proposed budgetary actions, including an appropriation of funds, was presented.

Councilmember Genser advised he removed this matter from the Consent Calendar to get clarification relating to arriving at a resolution on the parameters of the methodology that will be used to measure traffic, and on what services are included in the contract. Staff responded to questions from Councilmembers.

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

AYES: Councilmembers Genser, O'Connor, McKeown, Mayor

Pro Tem Bloom, Mayor Katz

NOES: None

ABSENT: Councilmembers Holbrook, Shriver

**CITY HALL SEISMIC
RETROFIT**

1-F: **City Hall Seismic Retrofit Project** – recommendation to authorize the City Manager to negotiate and execute contract modifications with Black and Veatch for Contract No. 8529 (CCS), in the amounts of \$213,826 and \$377,626 for a total amount of \$1,902,401, modifying the existing scope, schedule, cost and adding the new scope of Jail Area Tenant Improvement, elevator addition, restroom addition and electric room addition to the existing Seismic Retrofit Project, was presented.

Discussion ensued on whether this matter should be heard with Item 3-A. After discussion, it was the consensus of Council to approve the portion of the recommendation that is not related to Item 3-A.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to approve the contract modification in the amount of \$213,826. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmembers Holbrook, Shriver

(See Item 3-A below for action taken on the remainder of the recommendation.)

CLOSED SESSIONS:

On order of the Mayor, the City Council recessed at 6:24 p.m., to consider closed sessions and returned at 7:33 p.m., with Councilmembers Holbrook and Shriver absent to report the following:

2-A: **Conference with Real Property Negotiator**
Property: Three parcels seaward of the 1921 Mean High Tide Line and adjacent to 850 Palisades Beach Road
City Negotiator: Andy Agle, Director, Housing and Economic Dev.
Under Negotiation: Modification of Lease Terms
Lessee: Jonathan Club

ACTION: Heard. No reportable action taken.

2-B: **Conference with Real Property Negotiator**

Property: 2640 Main Street, Santa Monica
City Negotiator: Andy Agle, Director, Housing and Economic Dev.
Under Negotiation: Modification of Lease Terms
Owner/Lessee of Record: City of Santa Monica/Ocean Park Restaurant

ACTION: Heard. No reportable action taken.

2-C: Conference with Legal Counsel – Existing Litigation: Richard Schneider v. City of Santa Monica, Case No. SC 088456.

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 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.

STUDY SESSION:
CITY HALL SEISMIC RETROFIT

3-A: City Hall Seismic Retrofit Project – Alternative Elevator Locations and Electrical Room Additions – recommendation that Council provide direction as to the preferred location of the required elevator and electric room additions to City Hall, was presented.

There was no one present for public comment.

Discussion ensued on the alternatives proposed by staff, on the need for a City Hall Master Plan and on the timing needs for the project. After considerable discussion, direction was provided to staff on Council's preference of the location of the elevator and the electrical room.

On order of the Mayor, and with Council consensus, Council to take additional action on Item 1-F:

CITY HALL SEISMIC

1-F: City Hall Seismic Retrofit Project – recommendation to

RETROFIT

authorize the City Manager to negotiate and execute contract modifications with Black and Veatch for Contract No. 8529 (CCS), in the amounts of \$213,826 and \$377,626 for a total amount of \$1,902,401, modifying the existing scope, schedule, cost and adding the new scope of Jail Area Tenant Improvement, elevator addition, restroom addition and electric room addition to the existing Seismic Retrofit Project, was presented.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to approve amendment to existing contract in the amount of \$377,626. The motion was approved by the following vote:

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

SPECIAL ITEMS:

4-A: **A commendation was issued by Mayor Katz to Ed Edelman for his commitment to tirelessly pursue regional and local solutions to address homelessness as Santa Monica's Special Representative for Homeless Initiatives.**

STAFF ITEMS: **ANTI-SMOKING ORDINANCE**

8-A: **Proposed amendment to Anti-smoking Ordinance -** recommendation that Council direct staff to prepare an amendment to the anti-smoking ordinance to create liability for business owners and managers who knowingly allow smoking in outdoor dining areas, was presented.

The following members of the public spoke in support of the proposal: Robert Donin, Robert Berger, Neil Carrey, Beth Miller, William McCarthy, Willow Evans, Regina Harcourt, Michelle Matisse, Kirk Morrow, Lou Moench, Igor Kagah, Jerry Rubin, and Barbara Bronie.

The following members of the public spoke in opposition to the proposal: Joey Fullmer and Bruce Cameron.

Motion by Councilmember McKeown, seconded by Councilmember Genser, to approve staff recommendation including marketing, signage, education, and progressive enforcement plans. The motion was approved by the following vote:

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

NOES: None
ABSENT: Councilmembers Holbrook, Shriver

Motion to amend by Councilmember Genser, to include the Main Library grounds, and include requirement that outdoor restaurants post signage. The motion was accepted as friendly.

The motion as amended was approved by the following vote:

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

Motion by Mayor Pro Tem Bloom, seconded by Councilmember O'Connor, to direct staff to return with information regarding tobacco retailing licensing, such as that in the City of Burbank. The motion was unanimously approved by voice vote, with Councilmembers Holbrook and Shriver absent.

Motion by Mayor Pro Tem Bloom, seconded by Mayor Katz, to direct staff to return with an information item regarding various methods by which municipalities are regulating smoking in multi-unit buildings; and information on a non-binding resolution to discourage pharmacies from selling cigarettes. The motion was approved, with Councilmember O'Connor voting in opposition and with Councilmembers Shriver and Holbrook absent.

20th STREET/CLOVER-FIELD BLVD., IMPROVEMENTS

8-B: 20th Street & Cloverfield Street Improvements Project Conceptual Design - recommendation to approve in concept the design for the Project; and authorize the City Manager to negotiate and execute an amendment to Contract No. 8581 (CCS) with Ahbe Landscape Architects, in the amount of \$99,100, for design of street light conversions and traffic signal modifications for the Project, was presented.

There was no one present for public comment.

Discussion ensued on the options of including medians similar to those on Wilshire, on the reasons for the selection of the plantings for the landscaping, on the possibility of having bike lanes on 20th Street, and on possible efforts to include in the project methods to address the security issues in the neighborhood.

After discussion, it was the consensus of Council to continue this matter to January 2008 and to ask staff to return with information relevant to the discussion.

SHOTGUN HOUSE

8-C: **Shotgun House** – recommendation to select the Santa Monica Conservancy to relocate, rehabilitate and operate the Shotgun House as Preservation Resource Center; and approve major terms for a 20 year lease agreement and authorize the City Manager to negotiate and execute Lease Agreement No. 8869 (CCS) with Santa Monica Conservancy, was presented.

Members of the public Sherrill Kushner and Mario Fonda-Bonardi spoke in support of the project.

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

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

CIVIC CENTER VILLAGE

8-D: **Civic Center Village Development Agreement Design Update** – recommendation to hear public testimony, discuss updated design concepts for the Civic Center Development Agreement and determine whether the proposed revised design, including a shared parking program, meets the intent of Council's authorization to negotiate a development agreement as discussed at the August 14, 2007, public hearing, was presented.

The following members of the public spoke generally in support of the project: Betty Mueller, Jerry Rubin, Patricia Hoffman, Genise Schnitman, Jack Walter, Jan Williamson, Paul DeSantis, James Mount, and David Pettit.

Member of the public Susan Hartley expressed concerns related to parking, safety and the height of the project. Member of the public Ellen Brennan spoke in opposition of the project.

Motion by Mayor Pro Tem Bloom, seconded by Councilmember McKeown, to approve recommendation on massing and shared parking. The motion was approved by the following vote:

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

WRITTEN REQUESTS:
IZZY'S DELI

12-A: Request of Nathan Crowe that the City Council require, as a result of a pattern of chronic and flagrant code violations, that Izzy's deli restaurant be closed during the hours of 12:00 a.m., and 8:00 a.m., or alternately, that the parking lot north and adjacent to the restaurant be required to be physically closed and not be used for any purpose other than fire and emergencies between the hours of 12:00 a.m., and 8:00 a.m.

On order of the Mayor, this matter was continued to the meeting of January 22, 2008.

COUNCIL ITEMS:
APPOINTMENTS

13-A: Appointment to two annual vacancies on the Pier Restoration Corporation with terms ending November 8, 2011.

On order of the Mayor, the floor was opened for nominations to the Pier Restoration Corporation

Councilmember Genser nominated David Newberg.

There being no other nominations, Mr. Newberg was appointed by acclamation, with Councilmembers Holbrook and Shriver absent.

On order of the Mayor, the second vacancy was continued to January 8, 2008.

APPOINTMENT

13-B: 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, this appointment was continued to January 8, 2008.

**UNSCHEDULED
VACANCY**

3-C: Appointment to unscheduled vacancies for the following Boards/Commission:

Board/Commission	No. of Appts.	Term Ending
Bayside District Corporation	1	6/30/2008

any appeal which may be taken from the Landmarks Commission's decision.

Mayor Katz withdrew this item.

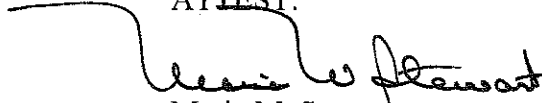
PUBLIC INPUT:

Members of the public Pro Se and Catherine Eldridge expressed various concerns.

ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 11:37 p.m., in memory of Frank Wilson.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Herb Katz
Mayor