

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

NOVEMBER 27, 2007

A regular meeting of the Santa Monica City Council was called to order by Mayor Bloom at 5:53 p.m., on Tuesday, November 27, 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 (arrived at 6:19 p.m.)

Also Present: City Manager P. Lamont Ewell
City Attorney Marsha Jones Moutrie
Deputy City Clerk Esterlina Lugo

CONVENE/PLEDGE On order of the Mayor, the City Council convened at 5:53 p.m., with Councilmember Shriver absent. Herb Katz, Mayor Pro Tem, 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 Louisa Fish and Joey Fullmer discussed various Consent Calendar items.

At the request of Councilmember Genser, Items 1-H and 1-I were removed from the Consent Calendar.

Motion by Mayor Pro Tem Katz, seconded by Councilmember O'Connor, to approve all items on the Consent Calendar as presented except Items 1-H and 1-I, reading resolutions by title only and waiving further reading thereof. 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

MINUTES

1-A: **The minutes** of the November 13, 2007, City Council meeting were approved as submitted.

**DIAL-A-RIDE
PARATRANSIT**

1-B: **Dial-A-Ride Paratransit Services** - recommendation to authorize the City Manager to negotiate and execute a second amendment to Contract No. 8839 (CCS) with Dial-A-Ride Paratransit, on a month-to-month basis for a period of three months, was approved.

**CITY HALL SECURITY
CAMERA**

1-C: **City Hall security camera system** - recommendation to authorize the City Manger to negotiate and execute Contract No. 8858 (CCS) with Firstline Security, in the amount of \$199,105, for installation of a security camera system for City Hall and Department offices, and for maintenance of the system, was approved.

**FINAL TRACT MAP
NO. 61226**

1-D: **Resolution No. 10262 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL TRACT MAP NO. 61226 FOR A 5-UNIT CONDOMINIUM PROJECT AT 811 19TH STREET," was adopted.

**HOMELESS SERVICES
NETWORK**

1-E: **Santa Monica Homeless Services Network** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8407 (CCS) with Chris Fonner, in the amount of \$64,800, for computer services to support the network, was approved.

MTA

1-F: **Resolution No. 10259 (CCS) entitled:** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY ON MATTERS ASSOCIATED WITH ADMINISTRATION AND IMPLEMENTATION OF VARIOUS GRANT-FUNDED PROGRAMS AWARDED THROUGH THE METROPOLITAN TRANSPORTATION ADMINISTRATION," was adopted.

**PUBLIC ATTORNEYS
LEGAL SUPPORT MOU**

1-G: **Resolution No. 10260 (CCS) entitled:** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC ATTORNEYS LEGAL SUPPORT STAFF UNION," was adopted.

GREEN CITIES CALIFORNIA

1-J **Resolution No. 10261 (CCS) entitled:** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO JOIN *GREEN CITIES CALIFORNIA* AND TAKE ACTION TO ACCELERATE LOCAL REGIONAL, NATIONAL AND INTERNATIONAL EFFORTS TO ACHIEVE SUSTAINABILITY," was adopted.

USE OF COPS GRANT FUNDS

1-K: **Uses and appropriation of *Citizens' Option for Public Safety* funding** - recommendation to appropriate \$176,633 in *2006 Citizens' Option for Public Safety* grant funding and authorize the purchase of new crime mapping applications, online crime mapping system, and related equipment for mobile data computers, was approved.

CITY WEBSITE DESIGN

1-L: **Website design services** - recommendation to authorize the City Manager to negotiate and execute Contract Nos. 8861 and 8862 (CCS) with PMC, in the amount of \$125,330, to provide services to redesign the City's website and implement a content management systems; and appropriate asset seizure funds of \$50,000 for part of the cost, was approved.

UTILITY USERS TAX BALLOT MEASURE

1-M: **Survey research for potential Utility Users Tax (UUT) Ballot Measure** - recommendation to approve proposed survey research to assess community attitudes and support for a potential ballot measure to modernize the UUT as applicable to telecommunications, was adopted.

BBB OPERATIONS

1-N: **BBB financial strategies and operations analysis** - recommendation to authorize the City Manager to negotiate and execute Services Agreement No. 8863 (CCS) with TransTrack Systems, in the amount of \$91,501, to provide an analysis for the BBB, was approved.

SOLID WASTE TRANSFER SERVICES

1-O: **Provision of services related to public/private partnership for solid waste transfer services** - recommendation to authorize the City Manager to negotiate and execute a 6th amendment to Contract No. 8524 (CCS), with Gershman, Brickner and Bratton, Inc., in the amount of \$50,000, for additional services to assist in negotiations and to advise on the developing of a public/private partnership, was approved.

PARKING OPERATIONS

1-P: **Management services for parking operations** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8376 (CCS) with Parking Concepts Incorporated, in the amount of \$3,605,980 to extend contract through June 2008; approve the proposed appropriation of funds for the contract; and, authorize the negotiation of an additional one-year option through

May 2009, was approved.

**SECURITY SERVICES
FOR BBB FACILITIES**

1-H: **Security Services for BBB Facilities** - recommendation to authorize the City Manager to negotiate and execute a contract with International Services, in the amount of \$1,940,368, to provide security services for BBB facilities, and to appropriate additional proposed funds, was presented.

Councilmember Genser advised he removed this item from consent calendar to discuss the issue of contracting out services that could potentially be performed city workers. Staff responded to questions from Councilmembers and provided additional information.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve recommendation, with the requirement that the contract have a 30-day cancellation provision. 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

**WOODLAWN
CEMETARY
LANDSCAPING**

*Councilmember Shriver
arrived at 6:19 p.m.*

1-I: **Woodlawn Cemetery Landscaping Services** - recommendation to authorize the City Manager to negotiate and execute a contract with ValleyCrest Landscape Maintenance, in the amount of \$431,143, for grounds landscape maintenance services, was presented.

Councilmember Genser advised he removed this item from the consent calendar to discuss the issue of contracting out services that could potentially be performed by city workers and to ask questions related to the comparisons presented in the staff report. Staff responded to questions from Councilmembers and provided additional information.

Motion by Councilmember Genser, seconded by Mayor Pro Tem Katz, to approve recommendation, with the two stated amendments and with the requirement that the contract have a 30 day cancellation provision.

Councilmember McKeown amended the motion by including a directive to staff that in bringing this item back they examine and take into account the policy discussion had by council previously at a retreat, which included not replacing city jobs with out source jobs.

City Manager Ewell requested that the motion include, that council appropriate \$231,442 to account No. 37641.555010 from the General Fund as a loan to the Cemetery Fund.

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

CLOSED SESSIONS:

On order of the Mayor, the City Council recessed at 6:26 p.m., to consider closed sessions and returned at 7:27 p.m., with all members present, to report the following:

There was no one present for public comment.

2-A: Public Employee Evaluations.

Title of Employees: City Attorney, City Manager

ACTION: Not Heard.

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

A proposed settlement was recommended by the City Attorney as follows: Council would schedule a new hearing on whether the property at 2219 should be landmarked, and at such a hearing Council would give consideration to the substantive merits of the case. The June 26th public testimony, which occurred at the previous proceeding on the matter, would be included as part of the record so that those persons who appeared on the 26th would know that their testimony would remain on the record. If at the rescheduled hearing less than six members of the Council should be present, the appellant would be entitled to request a continuance and the City Council would retain complete discretion to decide whether to continue the proceeding or not. The foundation would retain the right to appeal a determination made by the Council, but the foundation (which is the appellant) would waive any right to challenge the Council's decision based on a claim that the Council had abused its discretion by failing to continue the matter, further, the foundation would

relinquish any claim which may have arisen in conjunction with the preceding of June 26th.

Motion by Mayor Pro Tem Katz, seconded by Councilmember Holbrook, to approve settlement as proposed by the City Attorney. The motion was approved by the following vote:

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

Councilmember McKeown requested the record state that his "no" vote is because he participated in a valid hearing last June at which a quorum of the City Council was present, and the behavior of some persons that night didn't justify imposing ongoing uncertainty on the Ocean Park community about the property.

2-C: Conference with Legal Council – 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.

ADMIN. ITEMS:
423-431 OCEAN AVE.

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, was presented.

Assistant City Attorney Joe Lawrence stated the City received a letter from the appellant's attorney indicating they would not appear before the City Council, and would waive oral argument. Joe's recommendation was to continue with the hearing and allow testimony from the public.

For the record the Mayor called for the appellant to come forth for oral argument. Neither the appellant, nor anyone representing the appellant appeared to be present. On order of the mayor, the hearing continued.

The following members of the public spoke in opposition to the appeal: Anthony Carr, Marcello Varala, Ron Lachner, Leslie Sherman and Freya Kelly.

There was no one present to rebut public comments.

Discussion ensued on the merits of the appeal, the merits of the Landmark designation, and on the public comments received.

Motion by Councilmember O'Connor, seconded by Councilmember McKeown, to deny the appeal and designate the property as a City Landmark based on the finding that meets criteria no.1 set forth by the Landmarks Commission, and amended to exclude the rear garage.

Councilmember O'Connor amended her motion to exclude the rear garage from the designation.

Councilmember McKeown, accepted the motions as friendly.

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

ORDINANCES
BUILDING
STANDARDS CODE

7-A: Second reading and adoption of Ordinance No. 2244 (CCS) entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE AND THE SANTA MONICA AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE," was presented.

Motion by Mayor Pro Tem Katz, seconded by Councilmember Holbrook, 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

GAS SHUTOFF

7-B: Second reading and adoption of Ordinance No. 2245 (CCS)

DEVICES

entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ADDING SECTION 8.32.070 TO THE SANTA MONICA MUNICIPAL CODE TO REQUIRE THE INSTALLATION OF APPROVED GAS SHUTOFF DEVICES IN BUILDINGS, STRUCTURES AND MOBILEHOME PARKS PRIOR TO SALE OR EXCHANGE, WHEN NEWLY CONSTRUCTED OR WHEN THE COST OF ADDITIONS OR ALTERATIONS EXCEED \$10,000," was presented

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem Katz, to adopt ordinance, reading by title only and waiving further reading thereof. 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

MUNICIPAL AIRPORT SAFETY

7-C: Introduction and first reading of an ordinance adding Section 10.04.06.150 to the Municipal Code conforming the use of Santa Monica Municipal Airport to its federally designated specification of ARC B-11, for public safety purposes including the safety of residents living immediately adjacent to the airport runway ends and those individuals using and working at the airport, was presented.

Members of the public Jim Donaldson, Gwen Rinehart, Jay Becker, Dennis Gomez, Bill MacDonald, Martin Rubin, Zina Josephs, Cathy Larson, Lorraine Sanchez, Susan Hartley, Gregory Wain, Brian Bland and Jerry Rubin discussed various aspects of the ordinance.

Staff advised that a meeting has been set in Washington for December 5, 2007, with four members of Congress, the FAA and the City to discuss this matter. As a result, second reading is to take place the first meeting in January 2008, and not on December 11, 2007.

City Attorney Marsha Moutrie stated for the record that the ordinance was being amended to reflect corrections with no substantive changes; Municipal Code Section "10.04.06.150" is amended to read

"10.04.06.220"; On page 5, "banning C and D aircraft" is deleted and on page 7 "killing a child" is deleted.

Motion by Councilmember McKeown, seconded by Mayor Pro Tem Katz, to introduce the ordinance with the amendments read by the City Attorney, reading by title only and waiving further reading thereof. 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

STAFF ITEMS:
VILLAGE TRAILER
PARK CONCEPT PLAN

8-A: **Village Trailer Park Concept Plans** - recommendation to direct staff to pursue a development Agreement negotiation and review process with applicant to determine if an appropriate project that satisfies the removal requirements of the City Charter can be identified and approved upon execution of the proposed MOU; and direct staff regarding the Development Agreement's potential public benefits and appropriateness for redevelopment of the site and the consideration of alternatives, was presented.

Members of the public Joey Fullmer, Dan Manross, James White, Jack Waddington, Tom Baxter, Cherly Gaines, David Latham, Catherine Eldridge, Sally Molloy, Robert Blumfield, Calvin Normore, Jack Donor, Deborah Goodwin, Steve Lancaster, Zina Josephs, Lorraine Sanchez, David Engelberg discussed various aspects of the recommendation.

Motion by Councilmember Genser, seconded by Councilmember McKeown, to authorize execution of the proposed MOU; direct staff to pursue development agreement negotiations review process upon execution of MOU by the applicant; and to consider the various comments made by Council as the framing during the exploration of the development agreement.

Motion to amend by Councilmember McKeown, to have staff take as direction for the negotiations the list of considerations generated by the planning commission on page 15 and 16 of the staff report.

Motion to amend by Councilmember O'Connor, to have the Sustainable City Plan goals included during negotiations.

Motion to amend by Mayor Pro Tem Katz, to have staff and developer work with owners to come up with an overall plan that will serve the entire city and the neighborhood.

Councilmember Genser, accepted the motions as friendly.

The motion, as amended, was approved by the following vote:

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

**ANNENBERG
COMMUNITY BEACH
CLUB**

8-B: Concessionaire selection criteria for Annenberg Community Beach Club - recommendation that Council approve specific criteria for selection of an operator to provide concession services at the Annenberg Community Beach Club at Santa Monica State Beach., was presented.

Member of the public Joey Fullmer spoke on various aspects of the subject matter.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to approve recommendation. 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

**COMMERCIAL
COLLECTION
SERVICES**

8-C: Responses to proposals to provide commercial collection services - recommendation to direct staff to proceed with developing an implementation plan for the Solid Waste Management Division to be the sole provider for commercial collection citywide; and direct staff to keep roll-off service an open market activity and implement permit criteria to establish diversion rates and use of alternative fuel vehicles, was presented.

Eric Herbert, President of Athens Services, spoke in support of his company.

Motion by Mayor Bloom, seconded by Mayor Pro Tem Katz, to approve recommendation. The motion was approved by the following vote:

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

Motion by Councilmember McKeown, seconded by Mayor Bloom, receive information from staff as to alternate locations, if necessary, for the green depot. The motion was unanimously approved by voice vote, with all members present.

ANTI-SMOKING ORDINANCE

*Councilmember Shriver was
excused at 12:02 a.m.*

8-D: **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.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem Katz, to continue this matter to a future meeting.

Motion to amend by Councilmember Genser, to continue item 8-C along with 8-D.

Mayor Pro Tem Katz, did not accept the motions as friendly.

Councilmember McKeown seconded the motion made by Councilmember Genser, to continue item 8-C along with 8-D. The motion failed by a 3/4 voice vote, with all members present.

The original motion was passed by a 5/2 voice vote, with all members present.

Councilmember McKeown requested the record state that his "no" vote reflects the belief that health matters should be dealt with more expeditiously.

COUNCIL ITEMS:
ANNUAL
APPOINTMENTS

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

UNSCHEDULED
VACANCY

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, Items 13-A and 13-B were continued to the next Council meeting.

SUSTAINABLE CITY
PLAN

13-C: Request of Councilmember McKeown that Council direct staff to recommend criteria for analyzing planning and land use decisions for consistency with our adopted Sustainable City Plan, such that objective sustainability evaluations of policies and projects may be added to Planning Commission and City Council staff reports on such matters, was presented.

SUSTAINABLE CITY
PLAN/LUCE

13-D: Request of Councilmember O'Connor that the Council confirm that the Santa Monica Sustainable City Plan (SCP) and principles be integrated into the General Plan's Land Use/Circulation Elements (LUCE) update process and outcomes. This General Plan update process should include ways to implement the LUCE/SCP principles together and implementation may include mechanisms such as performance-based standards and zoning requirements to ensure that future land uses meet the LUCE/SCP principles and goals. The ultimate goal is for an integrative LUCE/SCP framework and review process. No resources should be diverted from completion of the LUCE process so that its completion and integration with the SCP occurs as soon as possible.

On order of the Mayor, Items 13-C and 13-D to be considered in one motion.

Members of the public Catherine Eldridge, Zina Josephs, Lorraine Sanchez Brian Hutchings discussed various aspects of the subject matter.

Motion by Councilmember McKeown, seconded by Councilmember

O'Connor, to approve items 13-C and 13-D. The motion was unanimously approved by voice vote, with Councilmember Shriver absent.

**USE OF REUSABLE
TOTE BAGS**

13-E. **Request of Councilmember McKeown, at the request of Heal the Bay, that the Council adopt a resolution by which the City of Santa Monica would join the City and County of Los Angeles in declaring December 20, 2007 "A Day Without a Bag," encouraging holiday shopping with reusable tote bags rather than single-use plastic and paper carry-out bags, in the interest of sustainability, reduction of landfill and protection of the marine environment, was presented.**

Member of the public Brian Hutchings spoke on various aspects of the subject matter.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to adopt a resolution declaring December 20, 2007 "A Day Without a Bag." The motion was unanimously approved by voice vote, with Councilmember Shriver absent.

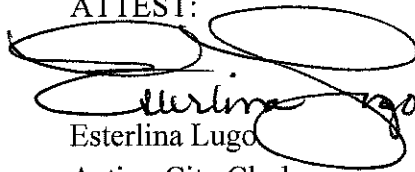
PUBLIC INPUT:

The following members of the public discussed various issues: Trisha Roth, Brian Hutchings and Lee Jones.


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 12:30 a.m.

ATTEST:


Esterlina Lugo
Acting City Clerk

APPROVED:


Richard Bloom
Mayor