

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**MAY 27, 2008**

A regular meeting of the Santa Monica City Council was called to order by Mayor Katz at 6:05 p.m., on Tuesday, May 27, 2008, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Herb Katz  
Councilmember Ken Genser  
Councilmember Robert T. Holbrook  
Councilmember Kevin McKeown  
Councilmember Pam O'Connor (arrived at 6:19 p.m.)  
Councilmember Bobby Shriver (arrived at 6:36 p.m.)

Absent: Mayor Pro Tem Richard Bloom

Also Present: City Manager P. Lamont Ewell  
City Attorney Marsha Jones Moutrie  
Acting City Clerk Denise Anderson-Warren

**CONVENE/PLEDGE** On order of the Mayor, the City Council convened at 6:05 p.m., with Councilmembers O'Connor, Shriver and Mayor Pro Tem Bloom absent. Don Patterson, Assistant to the City Manager for Management Services, 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.

*Councilmember O'Connor arrived at 6:19 p.m.*

Members of the public Daniel Jansenson, Michele Modglin, Jerry Rubin, Joey Fullmer, Kim Baker and Robert Berger commented on various Consent Calendar items.

At the request of Councilmember Genser, Item 1-K was removed from the Consent Calendar.

Motion by Councilmember Holbrook, seconded by Mayor Katz, to approve all items on the Consent Calendar with the exception of

Item 1-K, 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 Katz  
NOES: None  
ABSENT: Councilmember Shriver, Mayor Pro Tem Bloom

**1038 21<sup>ST</sup> STREET**

1-A: **Resolution No. 10291 (CCS) entitled:** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ACCEPTING AND APPROVING THE FINAL SUBDIVISION MAP FOR PARCEL NO. 68232 TO SUBDIVIDE A PROPERTY AT 1038 21<sup>ST</sup> STREET, was adopted.

**1433 14<sup>TH</sup> STREET**

1-B: Approval of Statement of Official Action denying appeal of Planning Commission related to construction of a condominium project at 1433 14th Street, was approved.

**TRANSIT AND TRAFFIC  
MANAGEMENT**

1-C: **Transit Priority System Phase 2, and Advanced Traffic Management System Phase 3** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8927 (CCS) with Kimley-Horn and Associates, in the amount of \$660,000, for project design services related to the two projects, was approved.

**BBB SYSTEM &  
CUSTOMER SERVICE  
SOFTWARE**

1-D: **Motor Coach Operator Management System and Customer Service Software** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8928 (CCS) with Trapeze Software Group, in the amount of \$1,570,000, for software licensing, installation and maintenance of the program, with four additional one-year option, was approved.

**GRANT AGREEMENTS  
FOR BIG BLUE BUS**

1-E: **Resolution No. 10292 (CCS) entitled:** "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO SUBMIT GRANT APPLICATIONS AND TO EXECUTE GRANT AGREEMENTS IN FURTHERANCE OF TRANSIT SECURITY PROJECTS FOR THE BIG BLUE BUS," was adopted.

**2<sup>ND</sup> AND 4<sup>TH</sup> STREET  
IMPROVEMENTS**

1-F: **Pedestrian and Streetscape Improvements Project for 2nd and 4th Streets** - recommendation to authorize the City Manager to: negotiate and execute a second amendment to Contract No. 8353 (CCS) with Zimmer Gunsul Frasca, in the amount of \$50,000, for a total amount of \$572,700, for design services for the project, was approved.

**CHARNOCK WELL  
RESTORATION  
PROJECT**

1-G: **Charnock Well Field Restoration Project** - recommendation to authorize the City Manager to negotiate and execute a three-year Agreement No. 8929 (CCS), with WorleyParsons Komex, in the amount of \$900,000, for technical oversight and support services for the project; and appropriate \$900,000 in funds as proposed, was approved.

**CITY HALL RETROFIT**

1-H: **City Hall Seismic Retrofit Project and HVAC replacement** - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8529 (CCS) with Black & Veatch, in the amount of \$223,894, for a total of \$2,126,295, to modify the existing scope, schedule and cost of the City Hall Seismic Retrofit Project; and to negotiate and execute an amendment to Contract No. 8725 (CCS) with Black & Veatch, in the amount of \$84,848.50 for a total of \$405,514.50, modifying the existing scope, schedule, and cost of the City Hall HVAC Replacement project, was approved.

**EMPLOYEE BENEFITS  
CONSULTING SERVICES**

1-I: **City employee benefits consulting services** - recommendation to authorize the City Manager to negotiate and execute interim Contract No. 8930 (CCS), with Aon Consulting & Insurance Service, in the amount of \$25,000, for provision of employee benefits consulting services, was approved.

**ABOVEGROUND  
PETROLEUM STORAGE  
TANK ACT GRANT  
PROGRAM**

1-J: **Resolution No. 10293 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO SUBMIT AND EXECUTE AGREEMENTS AND ANY AMENDMENTS THERETO TO IMPLEMENT THE ABOVEGROUND PETROLEUM STORAGE TANK ACT GRANT PROGRAM"**, was adopted.

**SUPPORT WESTSIDE  
CITIES COG**

1-L: **Recommendation to support the Westside Cities COG legislative platform for 2008-09 that will provide general policy guidance for the Chair and the Executive Director**, was approved.

**NON-SMOKING  
ORDINANCE  
OUTREACH**

*Mayor Katz was excused at  
6:30 p.m*

1-K: **Non-smoking ordinance outreach campaign** - recommendation to authorize the City Manager to negotiate and execute a contract with Southard Communications, in the amount of \$150,000, to design and implement a comprehensive branding and public education program for the City's non-smoking ordinances, was presented.

*Councilmember Shriver  
arrived at 6:36 p.m.*

Councilmember Genser advised he pulled this item because of concern that someone alleged that the public process was not followed correctly on this bid process. Councilmember Genser stated that he received email from one of the bidders who raised the issue that the RFP required experience with campaigns using Spanish, Asian languages or Japanese with public agencies and the recommended firm only has experience with Spanish and public agencies, but no experience with Asian language or Japanese.

Staff responded to Councilmember Genser's concerns.

Motion by Councilmember Genser, seconded by Mayor Katz, to continue this item and have staff reconsider the recommendation.

**BREAK IN DISCUSSION**

Mayor Katz requested to be excused to make a scholarship presentation at the High School. He suggested Councilmember O'Connor assume the Chair during his absence because she had previously served as Mayor.

Motion by Mayor Katz, seconded by Councilmember Genser, to appoint Councilmember O'Connor as Acting Mayor during Mayor Katz's absence. The motion was unanimously approved by voice vote with Mayor Pro Tem Bloom and Councilmember Shriver absent.

**ITEM CONTINUED**

At the request of the Acting Mayor, the City Council

voted on Councilmember Genser's motion related to 1-K and the motion was unanimously approved by voice

vote, with Councilmembers  
Shriver, Mayor Pro Tem  
Bloom and Mayor Katz  
absent.

**CLOSED SESSIONS:**

On order of the Acting Mayor, the City Council recessed at 6:34 p.m. to consider closed sessions and returned at 7:18 p.m., with Mayor Pro Tem Bloom and Mayor Katz absent to report the following action taken:

**2-A: Anticipated Litigation: Anticipate significant exposure to litigation Pursuant to Government Code Section 54956.9(b): 161 Ocean Park Boulevard.**

ACTION: Not Heard.

**2-B: Anticipated Litigation: Anticipate significant exposure to litigation Pursuant to Government Code Section 54956.9(b): 2300 Wilshire.**

ACTION: Not Heard.

**2-C: 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-D: Conference with Legal Counsel – Existing Litigation: United States of America and Peters v. City of Santa Monica, USDC, Case No. CV08-02695 CW(Ex)**

ACTION: Heard. No reportable action taken.

**2-E: Conference with Legal Counsel – Existing Litigation: Abraham Supino v. City of Santa Monica, Lead Case No. SC 080283 (and Consolidated Actions).**

ACTION: Not Heard.

**ORDINANCES:**

**FARMERS MARKET -  
INCIDENTAL SALES**

**7-B: Second reading and adoption of Ordinance No. 2263 (CCS) entitled:** “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MODIFYING SANTA MONICA MUNICIPAL CODE (SMMC) SECTION 9.04.08.28.040 TO PERMIT THE INCIDENTAL SALE OF MERCHANDISE AT THE MAIN STREET FARMERS MARKET BY INDIVIDUAL BUSINESSES IN THE CM MAIN STREET COMMERCIAL DISTRICT,” was presented.

Motion by Councilmember Genser, 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 McKeown, Genser, Shriver,  
Holbrook, Acting Mayor O’Connor  
NOES: None  
ABSENT: Mayor Pro Tem Bloom, Mayor Katz

**AUTOMOBILE  
DEALERSHIPS**

**7-C: Second reading and adoption of interim Ordinance No. 2264 (CCS) entitled:** “AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXTENDING THE INTERIM ORDINANCES MODIFYING ZONING REGULATIONS PERTAINING TO AUTOMOBILE DEALERSHIPS, ASSOCIATED AUTOMOBILE PARKING STRUCTURES AND AUTOMOBILE STORAGE LOTS, INCLUDING ALLOWING DEVELOPMENT OF AUTOMOBILE PARKING STRUCTURES AND AUTOMOBILE STORAGE FACILITIES ASSOCIATED WITH AN ADJACENT DEALERSHIP ON CERTAIN RESIDENTIALLY ZONED SITES, ESTABLISHING DEVELOPMENT STANDARDS, DESIGN STANDARDS, REVIEW PROCESSES AND OPERATIONAL STANDARDS, AUTHORIZING AUTOMOBILE DEALERSHIPS IN THE M1 DISTRICT, ADJUSTING THE F.A.R. CALCULATION METHODOLOGY, AUTHORIZE EMPLOYEE PARKING ON EXISTING INVENTORY LOTS IN THE BCD ZONING DISTRICT AND MODIFYING THE TEMPORARY USE PERMIT PROVISIONS FOR DEALERSHIPS”, was presented.

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

**MESSAGE  
REGULATIONS**

**7-D: Second reading and adoption of Ordinance No. 2265 (CCS) entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING CHAPTER 6.104 OF THE SANTA MONICA MUNICIPAL CODE RELATING TO MESSAGE REGULATIONS,"** was presented.

Motion by Councilmember Holbrook, seconded by Acting Mayor 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, Genser, Shriver,  
Holbrook, Acting Mayor O'Connor  
NOES: None  
ABSENT: Mayor Pro Tem Bloom, Mayor Katz

**WATER  
CONSERVATION**

**7-E: Introduction and first reading of an ordinance amending sections of Chapter 7.16 of the Municipal Code related to water conservation,** was presented.

Member of the public Joey Fullmer expressed concerns on this item.

Motion by Councilmember Shriver, seconded by Councilmember Holbrook, to introduce the ordinance for first reading. The motion was approved by the following vote:

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

**CITY COUNCIL AND  
PARKING AUTHORITY**

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE  
PARKING AUTHORITY:**

On the order of the Acting Mayor, the regular City Council meeting recessed to a Special Joint Meeting with the Parking Authority, at 7:29 p.m. with Mayor Pro Tem Bloom and Mayor Katz absent.

**PROPOSED MAIN  
STREET ASSESSMENT  
DISTRICT**

**8-A: Proposed Main Street Sidewalk and Lighting Assessment District - Adoption of Resolution No. 10294 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA CALIFORNIA, APPROVING AN ENGINEER'S REPORT AND DECLARING ITS INTENTION TO ORDER THE FORMATION OF THE MAIN STREET BUSINESS AREA FESTOON LIGHTING AND SIDEWALK CLEANING ASSESSMENT DISTRICT AND TO LEVY AN ASSESSMENT THEREON, AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH";** recommendation that the City Council and the Parking Authority authorize respectively the City Manager and the Executive Director to sign ballots in support of formation of the Assessment District for the properties that will be assessed within the new district, was presented.

Member of the public Joe Pipersky and Gary Gordon spoke in favor of the assessment district.

Motion by Councilmember Genser, seconded by Councilmember Shriver, to adopt Resolution No. 10294 (CCS) declaring its intention setting a public hearing on July 22, 2008, to consider forming an assessment district in the Main Street Area, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers McKeown, Genser, Shriver, Holbrook,  
Acting Mayor O'Connor

NOES: None

ABSENT: Mayor Pro Tem Bloom, Mayor Katz

Motion by Authority/Councilmember McKeown, seconded by Authority/  
Councilmember Genser, to authorize the Executive Director and City Manager respectively to sign ballots in support of formation of the Assessment District for the properties that will be assessed with the new district. The motion was approved by the following vote:

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

**ADJOURNMENT OF  
SPECIAL JOINT  
MEETING**

On order of the Acting Mayor, the special joint meeting was adjourned at 7:36 p.m., and the regular City Council meeting was reconvened, with Mayor Pro Tem Bloom and Mayor Katz absent.

**MEASURE V  
OVERSIGHT  
COMMITTEE**

**8-B: Update on the Status of Measure V (Clean Beaches and Ocean Parcel Tax) and adopt Resolution No. 10295 (CCS) entitled: " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ESTABLISHING THE MEMBERSHIP, TERMS, SCOPE AND RESPONSIBILITIES OF THE MEASURE V CITIZENS OVERSIGHT COMMITTEE,"** and direct staff to proceed with a process to identify eligible applicants for the Committee to be considered and appointed by City Council, was presented.

Member of the public Joey Fullmer expressed her concerns on the item.

Motion by Councilmember McKeown, seconded by Councilmember Shriver, to approve the staff recommendation and adopt the resolution, reading by title only and waiving further reading thereof.

Motion to amend by Councilmember Genser to stagger terms, for the initial establishment of the committee. There would be two members with a 1-year term and three members with a 2-year term.

The motion was accepted as friendly by the maker and seconder.

The motion was approved by the following vote:

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

Mayor Katz returned at 7:54 p.m. and assumed the Chair.

**QUALIFIED INITIATIVE  
PETITION**

**8-C: Qualification of Initiative Petition for Proposed Ordinance Entitled Residents' Initiative to Fight Traffic (RIFT) -** recommendation to accept the qualified initiative petition for the proposed RIFT ordinance and do one of the following: adopt the ordinance; direct staff to return on June 10, 2008, with a resolution and ballot language

Mayor Katz returned at 7:54 p.m.

placing the measure on the November 4, 2008, municipal election ballot; or, Council already having directed staff to conduct a study on the possible impacts of the proposed measure, direct staff to return with the results of that study within 30 days, was presented.

Members of the public Tom Larmore and Bruce Cameron spoke in favor of the staff recommendation to wait until the study returns before making a decision.

Motion by Councilmember Genser, seconded by Councilmember O'Connor, to direct staff to accept the qualified petition and return with results of the study by June 24, 2008. The motion was approved by the following vote:

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

**REQUEST TO RECONSIDER ITEM 7-A**

As a person on the prevailing side, Councilmember Holbrook requested that Item 7-A be reconsidered. Motion by Councilmember Holbrook, seconded by Councilmember O'Connor to reconsider Item 7-A. The vote was unanimously approved by voice vote with Mayor Pro Tem Bloom absent.

**CIVIC CENTER VILLAGE - HOUSING DEVELOPMENT**

**7-A: Second reading and adoption of Ordinance No. 2262 (CCS) entitled:** "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SECTIONS 9.04.08.32.010 AND 9.04.08.32.020 OF THE SANTA MONICA MUNICIPAL CODE TO ALLOW MIXED USE HOUSING AND NEIGHBORHOOD SERVING USES IN THE CIVIC CENTER DISTRICT AND APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA MONICA, A MUNICIPAL CORPORATION, AND RELATED/SANTA MONICA VILLAGE, LLC FOR THE MIXED USE PROJECT KNOWN AS THE VILLAGE AT SANTA MONICA," was presented.

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

**RESOLUTIONS:  
PREFERENTIAL  
PARKING ZONE X**

**11-A: Creation of Preferential Parking Zone X between Wilshire and Santa Monica Boulevards at the east City limits - recommendation to adopt Resolution No. 10296 (CCS) entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA EXPANDING PREFERENTIAL PARKING ZONE X AND AMENDING RESOLUTION 9344 CCS "PREFERENTIAL PARKING ZONES" BY REPLACING EXHIBIT A,"** was presented.

Members of the public Tani Sims, Kelly Maynard, Barbara Beck, Sierra Pecheur, spoke in opposition of the proposed preferential parking zone, but some were in favor of the two hour meters.

Member of the public Diane Norton, Mark Peacor, Louisa Fish, Sharon Gorman, Peg Hale, Peter Jensen, spoke in support of the preferential parking zone.

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

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

Motion by Councilmember Holbrook, duly seconded, to direct staff to take a look at the entire college street area to see if there are unused daytime parking spaces and bring back any appropriate recommendations.

The vote on the motion was unanimously approved by voice vote with Mayor Pro Tem Bloom absent.

**COUNCIL DISCUSSION  
ITEMS**

**13-A: Appointment to one unscheduled vacancy on the Pier Restoration Corporation Board of Directors for a term ending November 10, 2009,** was presented.

Motion by Councilmember Genser, seconded by Councilmember Holbrook, to continue this matter to the next meeting. The motion was unanimously approved by voice vote with Mayor Pro Tem Bloom absent.

**SUPPORT AB811**

**13-B: Request of Councilmember Holbrook to support AB 811 (Levine and Beall), a bill to assist in financing the upfront costs of solar power and other energy efficiency improvements through an existing public improvement assessment program, by authorizing cities and counties to provide low interest loans to free and willing**

**property owners with long-term repayments added to their annual property taxes bills**, was presented.

Member of the public Brian Hutchings expressed his concerns about the matter.

Motion by Councilmember O'Connor, seconded by Councilmember Shriver, to approve the request. The motion was unanimously approved by voice vote with Mayor Pro Tem Bloom absent.

**PUBLIC INPUT:**

Member of the public Brian Hutchings commented on various issues.

**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 8:57 p.m. to June 10, 2008.

ATTEST:



Denise Anderson-Warren  
Acting City Clerk

APPROVED:



Herb Katz  
Mayor