

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JUNE 24, 2008

A regular meeting of the Santa Monica City Council was called to order by Mayor Pro Tem Bloom at 6:04 p.m., on Tuesday, June 24, 2008, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Pro Tem Richard Bloom
Councilmember Ken Genser
Councilmember Robert T. Holbrook
Councilmember Kevin McKeown
Councilmember Pam O'Connor

Absent: Mayor Herb Katz
Councilmember Bobby Shriver

Also Present: City Manager P. Lamont Ewell
City Attorney Marsha Jones Moutrie
City Clerk Maria M. Stewart

CONVENE/PLEDGE On order of the Mayor Pro Tem, the City Council convened at 6:04 p.m., with Councilmember Shriver and Mayor Katz absent. Ben Franz-Knight 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 McKeown, Item 1-C was removed from the Consent Calendar.

Item 1-E was withdrawn at the request of staff.

Motion by Councilmember Holbrook, seconded by Councilmember Genser, to approve all items on the Consent Calendar as presented except for 1-C and 1-E, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Councilmembers McKeown, O'Connor, Genser,

Holbrook, Mayor Pro Tem Bloom, Mayor Katz

NOES: None

ABSENT: Councilmember Shriver, Katz

MINUTES

1-A: **The minutes** of the May 20, 2008, City Council meeting were approved as submitted.

**PRC BUDGET AND
WORKPLAN**

1-B: **Santa Monica Pier Restoration Corporation 2007/2008 Budget and Workplan** - recommendation to approve the proposed budget and work plan, was approved.

**ENGINE OVERHAUL
SERVICES - BBB**

1-D: **Engine overhaul services on transit coaches** - recommendation to award Bid No. 2942 to Pedco in the amount of \$450,780, to provide engine overhaul services on transit coaches. The award shall be for a one-year period with three additional one-year renewal options, was approved.

BIODIESEL FUEL

1-E: **Purchase of Biodiesel Fuel** - recommendation to award Bid No. 2922 to General Petroleum, in the amount of \$3,437,500 to supply and deliver biodiesel fuel for city vehicles, generators and small engine equipment that operate on diesel fuel.

On order of the Mayor, and at the request of staff, this matter was withdrawn.

HOMELESS OUTREACH

1-F: **Joint Homeless Outreach Service Provider** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8938 (CCS) with The West Coast Care Foundation, in the amount of \$250,000, to provide outreach services to homeless persons in conjunction with the Police Department, was approved.

**SUSTAINABLE LOCAL
ECONOMY**

1-G: **Strategy for a Sustainable Local Economy** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8939 (CCS) with Earthvoice Strategies, in the amount of \$135,000, to produce the Santa Monica Strategy for a Sustainable Local Economy, was approved.

**ANNENBERG COMMU-
NITY BEACH HOUSE**

1-H: **Concession agreement for Annenberg Community Beach House** - recommendation to authorize the City Manager to negotiate and execute Agreement No. 8940 (CCS) with Fred Deni and James Christel for the food service and beach equipment rental concession at the Annenberg Community Beach House, was approved.

EMERGENCY

1-I: **"Seven Days" emergency preparedness campaign grant funds**

PREPAREDNESS

- recommendation to authorize the City Manager to accept \$50,000 in Homeland Security grant funds and authorized proposed budget changes, was approved.

RECORDS RETENTION SCHEDULE

1-J: **Resolution No. 10314 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING REVISIONS TO THE CITY-WIDE RECORDS RETENTION SCHEDULE," was adopted.

CLEAN BEACHES AND OCEAN PARCEL TAX OBJECTIVES

1-K: **Measure V (Clean Beaches and Ocean Parcel Tax) priority objectives** - recommendation to authorize the City Manager to negotiate and execute Contract No. 8941 (CCS) with Black and Veatch, in the amount of \$350,000, to provide concept studies and expenditure analysis for priority Measure V funded projects; and authorize the proposed budget changes, was approved.

LOBBYING SERVICES

1-L: **Federal Representative and Lobbying Services** – recommendation to authorize the City Manager to negotiate and execute Contract No. 8942 (CCS) with The Ferguson Group, in the amount of \$76,000 including expenses not to exceed \$4000, for Federal representative and lobbying services, was approved.

SUPERVISORY TEAM ASSOCIATES

1-M: **Resolution No. 10315 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE SUPERVISORY TEAM ASSOCIATES," was adopted.

BAYSIDE DISTRICT MARKETING PLAN AND BUDGET

1-C: **Bayside District Corporation's Operations and Marketing Plan and Budget for FY 2008-09** - recommendation to approve the Bayside District Corporation's proposed operations and marketing plan, was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar to ask whether there is a proposed cutback to the maintenance on the Promenade. Staff advised a report would be provided to Council with the required information.

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,

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

CLOSED SESSIONS:

On order of the Mayor Pro Tem, the City Council recessed at 6:26 p.m., to consider closed sessions and returned at 7:37 p.m., with Councilmember Shriver and Mayor Katz absent, to report the following:

2-A: **Conference with Labor Negotiator.**
City Negotiator: Karen Bancroft, Director of Human Resources
**Bargaining Units: Municipal Employees Association
Supervisory Team Associates
United Transportation Union**

ACTION: Heard. No reportable action taken.

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 and City of Santa Monica v. Solco, et al., USCA 9th Circuit Case No. 08-72192.**

ACTION: Heard. No reportable action taken.

2-C: **Conference with Legal Counsel – Existing Litigation: United States of America and Peters v. City of Santa Monica, USDC, Case No. CV08-02695 CW(Ex) and USCA 9th Circuit Case No. 08-55869.**

ACTION: Heard. No reportable action taken.

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

ACTION: Heard. No reportable action taken.

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

ACTION: Heard. No reportable action taken.

STUDY SESSION:

3-A: **Report on effect of the proposed Initiative Measure to Amend**

the Land Use Element of the General Plan to Establish an Annual Limit on Commercial Development within Santa Monica through 2023, was presented.

The following members of the public expressed various concerns on the points made during the presentation. Jerry Rubin, Jacob Samuel, Jan Ludinski, Diana Gordon, Mary Marlow, Ted Winterer, Lorraine Sanchez, Susan Hartley, Zina Josephs, Sherrill Kusher, Mark Kreher, and Tom Larmore.

On order of the Mayor Pro Tem, the information was received and filed.

SPECIAL ITEMS:

4-A: On behalf of the City Council, Mayor Pro Tem Bloom recognized the Santa Monica High School Boys Soccer team for their undefeated season, winning CIF D. IV, and CIF D. I Southern State Regional Championship.

**ORDINANCES:
SIGN ORDINANCE**

7-A: Introduction and first reading of an ordinance amending Municipal Code Sections 9.52.020, 9.52.030, 9.52.120, 9.52.130, 9.52.140, and 9.52.150 and adding Municipal Code Sections 9.52.125, and 9.52.135 relating to signs and deleting Section 4.08.700 requiring attribution on handbills to conform the Code to the requirements of current case law, to address temporary signage, and to clarify existing law; discussion of City sign policy and possible additional Sign Code modifications.

On order of the Mayor Pro Tem, due to the lateness of the hour, this matter was continued to a future meeting.

**CAMPAIGN
CONTRIBUTIONS**

7-B: Introduction and first reading of an ordinance modifying Municipal Code provisions regulating campaign contributions and suggestions regarding possible future modifications.

On order of the Mayor Pro Tem, due to the lateness of the hour, this matter was continued to a future meeting.

SMOKING ORDINANCE

7-C: Introduction and first reading of an ordinance amending Chapter 4.44 of the Municipal Code on smoking to prohibit smoking in common areas of multi-unit residential properties; and adding Chapter 4.45 to the Municipal Code to create a tobacco retailer licensing program; recommendation to adopt resolution supporting local and statewide laws that prohibit the sale and promotion of tobacco products in pharmacies and drugstores in California, and urging local pharmacies and drugstores not to sell or promote

tobacco products; and informational update on other potential areas of smoking regulation in multi-unit residential properties.

On order of the Mayor Pro Tem, due to the lateness of the hour, this matter was continued to a future meeting.

STAFF ITEMS:

8-A: Proposed Beach Butler Service at Perry's Café Beach Concession - recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 8598 (CCS) for Perry's Café to pilot a "Beach Butler" service for the public, was presented.

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Councilmember O'Connor, to approve recommendation. The motion was approved by the following vote:

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

NOES: None

ABSENT: Councilmember Shriver, Mayor Katz

**VIDEO SERVICE
FRANCHISE FEES**

8-B: Resolution No. 10316 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA SETTING FRANCHISE FEES FOR HOLDERS OF STATE VIDEO SERVICE FRANCHISES AT 3% OF GROSS REVENUES," was presented.

There was no one present for public comment

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

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

NOES: None

ABSENT: Councilmember Shriver, Mayor Katz

**BAYSIDE LEASING
GUIDELINES**

8-C: Amendment of Bayside Leasing Guidelines - recommendation to approve the proposed amendments to the leasing guidelines, was presented.

There was no one present for public comment.

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

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

**BALLOT MEASURE TO
AMEND THE LAND USE
ELEMENT**

8-D: Initiative measure proposing to amend the Land Use Element of the General Plan to establish an annual limit on commercial development through 2023 -recommendation to adopt the proposed measure without alteration; or adopt Resolution No. 10317 (CCS) entitled "A RESOLUTION OF THE CITY OF SANTA MONICA SUBMITTING TO THE VOTERS AN INITIATIVE MEASURE PROPOSING TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN OF THE CITY OF SANTA MONICA AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, AND AUTHORIZING CITY COUNCIL MEMBERS TO FILE WRITTEN ARGUMENTS FOR OR AGAINST THE PROPOSITION AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE," was presented.

Members of the public Jerry Rubin, Bruce Cameron, Tom Larmore and Diana Gordon spoke in support of placing the measure on the ballot.

Motion by Councilmember McKeown, seconded by Councilmember O'Connor, to adopt the resolution reading by title only and waiving further reading thereof; and, designating Councilmembers Holbrook and O'Connor to write an argument in opposition of the measure, and Councilmember McKeown to write an argument in favor of the measure. The motion was approved by the following vote:

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

**LAND USE AND
CIRCULATION
ELEMENT STRATEGY**

8-E: Land Use and Circulation Element (LUCE) Strategy Framework - recommendation that Council review the LUCE Strategy Framework, and endorse the Framework with appropriate comments and direct the staff to proceed with economic, transportation and environmental analysis and evaluation.

On order of the Mayor Pro Tem, this matter was continued to a future meeting.

WRITTEN REQUESTS:

12-A: Request from Treesavers Group that Council begin a process to establish a City of Santa Monica Urban Forestry Commission.

On order of the Mayor Pro Tem, this matter was continued to a future meeting.

COUNCIL ITEMS:

13-A: Appointment to one annual vacancy on the Personnel Board for a term ending June 30, 2011. (Continued from June 10, 2008)

On order of the Mayor Pro Tem, this matter was continued to a future meeting.

APPOINTMENTS

13-B: Annual Appointments to Boards and Commissions for terms ending June 30, 2008.

Board/Commission	No. of Appts.	Term Ending
Airport Commission	1	6/30/2012
Architectural Review Board	2	6/30/2012
Arts Commission	6	6/30/2012
Bayside District Corporation	1	6/30/2012
Building and Safety	2	6/30/2012
Com. for the Senior Community	2	6/30/2012
Commission - Status of Women	2	6/30/2012
Disabilities Commission	3	6/30/2012
Housing Commission	1	6/30/2012
Landmarks Commission	2	6/30/2012
Library Board	1	6/30/2012
Personnel Board	1	6/30/2012
Planning Commission	2	6/30/2012
Recreation & Parks Commission	3	6/30/2012
Social Services Commission	2	6/30/2012

On order of the Mayor Pro Tem, this matter was continued to a future meeting.

RESIGNATIONS

On order of the Mayor Pro Tem, Items 13-C, 13-D, and 13-E, were considered concurrently.

13-C: Recommendation to accept Mark Young's resignation from the Airport Commission and authorize the City Clerk to publish the vacancy.

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

13-E: Recommendation to accept Heather Brigg's resignation from the Commission on the Status of Women and authorize the City Clerk to publish the vacancy.

Motion by Councilmember O'Connor, seconded by Councilmember Genser, to approve recommendation for the above three items. The motion was unanimously approved by voice vote, with Councilmember Shriver and Mayor Katz absent.

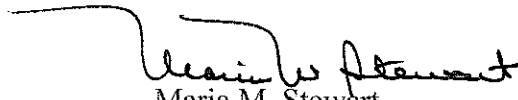
PUBLIC INPUT:

Members of the public Denise Barton, M. Ross, Pro Se, Willow Evans and Jennifer Conrad discussed various subjects and expressed concerns.


ADJOURNMENT:

On order of the Mayor Pro Tem, the City Council meeting was adjourned at 11:53 p.m., in memory of Oscar Campana.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Richard Bloom
Mayor Pro Tem