

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

DECEMBER 2, 2008

A special meeting of the Santa Monica City Council was called to order by Mayor Katz at 5:52 p.m., on Tuesday, December 2, 2008, at City Council Chambers, 1685 Main Street.

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

Absent: 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, the City Council convened at 5:52 p.m., with Councilmember Shriver absent. Andy Agle, Director of Economic Development Department, 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 commented on various Consent Calendar items. Members of the public Paul Pearson, Beaulieu and Russell Sydney commented in support of Item 1-K.

Motion by Mayor Katz, seconded by Councilmember O'Connor, 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 Holbrook, Genser, O'Connor,

McKeown, Mayor Pro Tem Bloom, Mayor Katz

NOES: None

ABSENT: Councilmember Shriver

BBB DESIGN SERVICES 1-A: **Interior Design Services for the BBB Operations Building** - recommendation to authorize the City Manager to negotiate and execute three modifications to Contract No. 8956 (CCS) with Harley Ellis Devereaux Corporation, in the amount of \$71,395 for a revised contract total of \$265,349, for interior design services, was approved.

ELECTRIC UTILITY VEHICLES 1-B: **Purchase of Neighborhood Electric Vehicle Utility Trucks** - recommendation that City Council award Bid No. 2955 to Miles Electric Vehicles to furnish and deliver thirteen new and unused Neighborhood Electric Vehicle (NEV) utility trucks in the total amount of \$316,973, was approved.

STREET RESURFACING 1-C: **Resolution No. 10367 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING SANTA MONICA BOULEVARD STREET RESURFACING PROJECT FOR PROPOSITION 1B FUNDING,"** was adopted.

CITY TV FACILITIES IMPROVEMENTS 1-D: **Design services for City TV Facility tenant improvements** - recommendation to authorize the City Manager to execute Agreement No. 9014 (CCS) with Nonzero Architecture for design and bid preparation documents for the tenant improvements for the new City TV facility for an amount not to exceed \$198,550; authorize the Director of Public Works to issue any modifications to the agreement; and approve budget changes as set forth in the Financial Impacts and Budget Actions section, was approved.

1236 25th STREET 1-E: **Resolution No. 10368 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA APPROVING FINAL PARCEL MAP NO. 061187 FOR A THREE-UNIT CONDOMINIUM PROJECT AT 1236 25TH STREET,"** was adopted.

BIODIESEL FUEL 1-F: **Purchase of Biodiesel Fuel** – recommendation to award Bid #2956 to General Petroleum Corporation, in the amount of \$3,140,520, to supply and deliver B20, B50 and B99 biodiesel fuel blends to the Big Blue Bus Department and the Fleet Management Division.

On order of the Mayor, and at the request of staff, this matter was continued to December 9, 2008.

EMPLOYEE TRAINING 1-G: **Organizational Development and Training Services** –

recommendation to authorize the City Manager to negotiate and execute an amendment to the professional services contract with Glaser & Associates, Inc., in the amount of \$20,000 for a new contract amount of \$125,000, to provide organizational development and training services for the Big Blue Bus' Supervisory Team in FY2008-09, was approved.

**SEASCAPE
NEWSLETTER**

1-H: **Design, layout and coordination services for *SeaScape* newsletter** - recommendation to authorize the City Manager to negotiate and execute Contract No. 9015 (CCS) with Diane Kuntz Design, in an amount not to exceed \$63,600 for the first year with future years subject to cost of living increases, for *SeaScape* newsletter services, was approved.

**LAND USE/DEVELOP-
MENT IMPACT FEE
STUDY**

1-I: **Preparation of a Travel Demand Model and a Nexus Study** - recommendation to: authorize the City Manager to negotiate and execute Agreement No. 9016 (CCS) with Fehr & Peers, in an amount not to exceed \$565,000, for the preparation of a travel demand model, evaluation of existing and future land use and transportation scenarios for the Land Use and Circulation Element , and preparation of documentation for the Environmental Impact Report; authorize staff to negotiate and execute the additional contract provision with Fehr & Peers, in an amount not to exceed \$114,600, for the preparation of a nexus study to support a transportation-based development impact fee; and, authorize identified budget changes, was approved.

**CEMETERY FUND
INVESTMENT SERVICES**

1-J: **Investment Management Services for the Cemetery and Mausoleum Perpetual Care Funds** - recommendation to authorize the City Manager to negotiate and execute a modification to the existing Agreement No. 8870 (CCS) with RNC Capital Management LLC (RNC) for investment management of the Cemetery and Mausoleum Perpetual Care Funds changing the terms of the contract to month-to-month terminating no later than February 28, 2009.

**MEDIUM-SPEED
VEHICLES**

1-K: **Resolution No. 10369 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA SUPPORTING FEDERAL REGULATIONS TO ESTABLISH A MEDIUM-SPEED VEHICLE (MSV) CLASSIFICATION,"** was adopted.

**RESTAURANT
CONCESSION**

1-L: **Restaurant Concession at 1633 Ocean Front Walk** – recommendation to authorize staff to submit a request to the State for approval of the bid requirements and contract term for concession stand at 1633 Ocean Front Walk; and approve specific evaluation criteria for selection of an operator to provide concession services, was approved.

**CANCELLATION OF
COUNCIL MEETING**

1-O: Recommendation to cancel regular meeting scheduled for Tuesday, December 23, 2008, was approved.

**REDEVELOPMENT
AGENCY ANNUAL
REPORT**

On order of the Mayor, the City Council meeting was recessed to a joint meeting with the Redevelopment Agency at 6:31 p.m., with Councilmember Shriver absent.

1-M: Annual Report for FY 2007-2008 for the Santa Monica Redevelopment Agency - recommendation that Council receive the Annual Report; and the Redevelopment Agency direct the Executive Director to transmit the report to the Controller of the State of California for filing; and authorize the City Manager to report to the Los Angeles County Auditor-Controller that the Agency intends to remit the required Education Revenue Augmentation Fund (ERAF) payment for 2008-09 by May 10, 2009, was presented.

Member of the public Joey Fullmer commented on the proposal.

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

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

430-508 PICO BLVD.

1-N: Replacement Housing Plan for 430-508 Pico Boulevard - recommendation that the Redevelopment Agency adopt the proposed Resolution approving a replacement housing plan in conjunction with the proposed 430-508 Pico Boulevard Project.

On order of the Chair of the Redevelopment Agency, this matter was continued to December 9, 2008.

**ADJOURNMENT OF
SPECIAL MEETING**

On order of the Mayor, the joint meeting of the City Council and the Redevelopment Agency was adjourned at 6:34 p.m., and the regular meeting of the City Council was reconvened with Councilmember Shriver absent.

CLOSED SESSIONS:

Members of the public Pro Se, M. Ross, and Brian Hatchlings commented on various Closed Session items.

On order of the Mayor the City Council recessed at 6:40 p.m., to consider closed sessions and reconvened at 8:13 p.m., with Councilmember Shriver absent, to report the following:

2-A: Conference with Real Property Negotiators.

Property: 1654 19th Street
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Guntram & Liane Ossa Trust

ACTION: Not Heard.

2-B: Conference with Real Property Negotiators.

Property: 1776 Main Street
1700 Ocean Avenue
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Rand Corporation

ACTION: Not Heard.

2-C: Conference with Real Property Negotiators.

Property: 1640 Fifth Street
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Waldman Family Trust, et. al.

ACTION: Not Heard.

2-D: Conference with Real Property Negotiators.

Property: 1224 4th Street
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Santa Monica Bay Woman's Club

ACTION: Not Heard.

2-E: Conference with Real Property Negotiators.

Property: 1320 Fourth Street
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Santa Monica Redevelopment Agency

ACTION: Heard. No reportable action taken.

2-F: Conference with Real Property Negotiators.

Property: 2640 Main Street
City Negotiator: Andy Agle, Dir. Housing and Economic
Development
Under Negotiation: Interest in Real Property
Owner of Record: Ocean Park Restaurant Corporation

ACTION: Heard. No reportable action taken.

**2-G: Conference with Legal Counsel – Existing Litigation:
NMBroadway Studios, LLC v. City of Santa Monica, Case No. BS
110077; Lincoln Studios, LLC v. City of Santa Monica, Case No. BS
110078; Nebraska Studios, LLC v City of Santa Monica, Case No.
BS 110079.**

ACTION: Heard. No reportable action taken.

**2-H: 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-I: 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-J: Conference with Legal Counsel – Existing Litigation: Smiley
v. City of Santa Monica, Case No. BC394492.**

ACTION: Not Heard.

STUDY SESSION:
ANNENBERG
COMMUNITY BEACH
HOUSE

3-A: **Annenberg Community Beach House Operations Plan**, was presented by staff.

Members of the public Fred Deni, Henry Borenstein, and Joey Fullmer spoke generally in support of the project and provided ideas and suggestions.

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

MEDIAN @ 4TH ST. AND
ADELAIDE DRIVE

3-B: **Neighborhood Impacts of Group Exercise on 4th Street Median at Adelaide Drive**, was presented.

Members of the public Brian Hutchings, Elaine Culotti, and Dale Launet commented on the use of the median.

Discussion ensued on the current use of the median at the intersection by trainers and by individuals exercising, on the impacts of these uses on the residents, and on the safety issues related to potential traffic accidents in the area.

Motion by Mayor Pro Tem Bloom, seconded by Councilmember McKeown, to direct staff to consider the comments made by members of the public and by Councilmembers, proceed with the public process identified in the staff report, and return with a report, update, and strategies as appropriate to address the issues voiced, and to pay special attention to the on-going safety issue of pedestrians in the street. The motion was unanimously approved by voice vote, with Councilmember Shriver absent.

ORDINANCES:
SOLAR ENERGY
STANDARDS

7-A: **Introduction and First Reading of an ordinance amending Chapter IX of the Municipal Code (Zoning Ordinance) pertaining to solar energy development and design standards.**

On order of the Mayor, this item was continued to a future date.

FLOODPLAIN
MANAGEMENT

7-B: **Introduction and first reading of an ordinance adding Chapter 7.68 to the Santa Monica Municipal Code establishing Floodplain Management Regulations**, was presented.

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Councilmember O'Connor, to introduce the ordinance for first reading, 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, Mayor Katz
NOES: None
ABSENT: Councilmember Shriver

COUNCIL ITEMS:
**SOLAR ENERGY FEED-
IN TARIFFS**

13-A: Request of Mayor Pro Tem Bloom and Councilmember O'Connor that the City Council direct staff to investigate and report back regarding appropriate steps to develop implementation strategies for a "feed-in tariff" for solar energy incentives, was presented.

There was no one present for public comment.

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

APPOINTMENT

13-B: Appointments to one annual vacancy on the Architectural Review Board for a term ending June 30, 2012.

On order of the Mayor, the floor was opened for nominations.

Councilmember Genser nominated Amy Rothman. There being no other nominations, Ms. Rothman was appointed by acclamation, with Councilmember Shriver absent.

13-C: Appointment to one unscheduled vacancy on the Social Services Commission for a term ending June 30, 2012.

On order of the Mayor, this matter was continued to December 9, 2008.

13-D: Appointment to one annual vacancy on the Pier Restoration Corporation for a term ending November 11, 2012.

On order of the Mayor, this matter was continued to January 13, 2009.

13-E: Appointment to one unscheduled vacancy on the Disabilities Commission for a term ending June 30, 2010.

On order of the Mayor, this matter was continued to January 13, 2009.

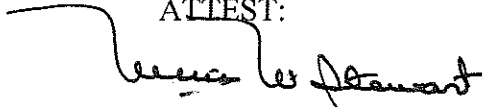
PUBLIC INPUT:

Members of the public Pro Se, M. Ross, Brian Hutchings, and Art Casillas commented on various local matters.

ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 10:10 p.m., to December 9, 2008.

ATTEST:



Maria M. Stewart
City Clerk

APPROVED:



Richard Bloom
Mayor Pro Tem