

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

FEBRUARY 24, 2009

A regular meeting of the Santa Monica City Council was called to order by Mayor Genser at 5:50 p.m., on Tuesday, February 24, 2009, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Ken Genser
Mayor Pro Tem Pam O'Connor
Councilmember Richard Bloom
Councilmember Robert T. Holbrook
Councilmember Bobby Shriver (arrived at 6:12 p.m.)
Councilmember Kevin McKeown

Appointed: Councilmember Gleam Davis

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 5:50 p.m., with Councilmember Shriver absent. Deputy City Manager Elaine Polachek 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.

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

MINUTES

1-A: **The minutes** of the January 27, 2009, City Council meeting were approved as submitted.

CEMETERY AND MAUSOLEUM

1-B: **Cemetery and Mausoleum Perpetual Care Investment Management services** - recommendation to authorize the City Manager to negotiate and execute Contract No. 9039 (CCS) with RNC Genter Capital Management for investment management of the Cemetery and Mausoleum perpetual care funds, was approved.

HOMELESS MGMT. INFORMATION SYSTEM

1-C: **Homeless Management Information Systems** - recommendation to authorize the City Manager to negotiate and execute amendments to the following contracts: Agreement No. 8903 (CCS) with Bowman Systems, from a total of \$120,770 to a total of \$149,270 for the first year; Contract No. 8825 (CCS) with Canavan Associates, from a total of \$81,402, to a total of \$107,902; and Contract No. 8407 (CCS) with Chris Fonner, from a total of \$64,800 to a total amount of \$78,100 through June 30, 2009, for System related services, was approved.

CITY INVESTMENT POLICY

On order of the Mayor, the City Council recessed its regular meeting and reconvened to a joint meeting with the Redevelopment Agency at 5:53 p.m., with Councilmember Shriver absent.

1-D: **Annual update on City Investment Policy** - recommendation for Council to approve a revised investment policy; extend delegation of investment authority to Director of Finance as City Treasurer; and adopt Resolution No. 10381 (CCS) entitled: "A RESOLUTION OF THE CITY OF SANTA MONICA UPDATING LIST OF PERSONS AUTHORIZED TO CONDUCT TRANSACTIONS WITH THE STATE LOCAL AGENCY INVESTMENT FUND." Recommendation for the Redevelopment Agency to adopt Resolution No. 515 (RAS) entitled: "A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA MONICA ESTABLISHING A NEW ACCOUNT WITH THE STATE LOCAL AGENCY INVESTMENT FUND," was presented.

There was no one present for public comment.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem O'Connor, to approve staff recommendation and adopt Resolution No. 10381 (CCS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

Motion by Agency Member Holbrook, seconded by Agency Member Bloom, to approve staff recommendation and adopt Resolution No. 515 (RAS), reading by title only and waiving further reading thereof. The motion was approved by the following vote:

AYES: Agency Members Bloom, Holbrook, McKeown, Chair Pro
Tem O'Connor, Chair Genser
NOES: None
ABSENT: Agency Member Shriver

ADJOURNMENT OF SPECIAL JOINT MEETING On order of the Mayor, the joint meeting with the Redevelopment Agency was adjourned and the regular meeting of the City Council reconvened and recessed to closed sessions at 5:56 p.m.

CLOSED SESSIONS:

*Councilmember Shriver
arrived at 6:12 p.m.*

On order of the Mayor, the City Council recessed to consider closed sessions and returned at 7:09 p.m., to report the following:

2-A: 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-B: 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-C: Conference with Legal Counsel – Existing Litigation: In the Matter of Compliance with California Code of Regulations, Title 13, Sections 2190 et seq. and 2023.w(b)(1), by the City of Santa Monica, California Air Resources Board Letter Dated October 23, 2008.

ACTION: Heard. No reportable action taken.

2-D: Conference with Legal Counsel – Existing Litigation: Curtis v. City of Santa Monica, Los Angeles Superior Court Case Number SC 097 697.

Motion by Mayor Pro Tem O'Connor, seconded by Councilmember Holbrook, to approve Settlement No. 9040 (CCS) in the amount of \$700,000. The motion was approved by the following vote:

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

2-E: Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation Pursuant to Government Code Section 54956.9(b): Proposal for Ordinance Banning Single Use, Carry Out Plastic Bags.

ACTION: Heard. No reportable action taken.

2-F: Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation Pursuant to Government Code Section 54956.9(b): Pier Sign.

ACTION: Heard. No reportable action taken.

STUDY SESSION:
MINI BLUE BRANDING

3-A: Mini Blue Branding Options - recommendation to review and provide comment, direction and feedback on three options under consideration for the new Mini Blue branding, was presented.

There was no one present for public comment.

Discussion ensued on the presentation and options provided by staff. Councilmembers commented on their preference and their concerns. Collective direction was given to staff.

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

SPECIAL ITEMS:
APPOINTMENT TO
COUNCIL VACANCY

4-A: Recommendation to appoint an applicant to the unscheduled vacancy on the City Council; or, adopt a resolution calling Special Election to fill vacancy through November 2010, was presented.

The following members of the public commented on the pros and cons of an appointment v. an election and on their preference for a candidate: Joey Fullmer, Pro Se, Gordon Potik, Jerry Rubin, Primo De Jesus, Jon Mann, Lauralee Asch, Steven Rodman, Gale Feldman, Sean Milliken, Linda Armstrong, Dish Taylor, Bobbe Houston, Kathy Knight, Susan

Hartley, Nina Fresco, Lori Nafshun, Zina Josephs, John Blakely, Jan Goodman, Jerry Manpearl and Mary Marlow.

Discussion ensued on the benefits of an appointment and of holding a special election. On order of the Mayor, the floor was opened for nominations.

Councilmember McKeown nominated Ted Winterer.
Mayor Pro Tem O'Connor nominated Gleam Davis.
Mayor Genser nominated Patricia Hoffman.

No one was appointed for lack of a majority vote as follows:

Winterer: Councilmembers McKeown, Shriver, Holbrook
Davis: Mayor Pro Tem O'Connor
Hoffman: Councilmember Bloom, Mayor Genser

Mayor Pro Tem O'Connor nominated Gleam Davis.
Councilmember Shriver nominated Ted Winterer.
Councilmember Bloom nominated Patricia Hoffman.

No one was appointed for lack of a majority vote as follows:

Winterer: Councilmembers McKeown, Shriver, Holbrook
Davis: Mayor Pro Tem O'Connor
Hoffman: Councilmember Bloom, Mayor Genser

Councilmember Bloom nominated Gleam Davis
Councilmember Shriver nominated Ted Winterer
Mayor Genser nominated Patricia Hoffman.

No one was appointed for lack of a majority vote as follows:

Winterer: Councilmembers McKeown, Shriver, Holbrook
Davis: Councilmember Bloom, Mayor Pro Tem O'Connor
Hoffman: Mayor Genser

Councilmember Bloom nominated Gleam Davis.
Mayor Genser nominated Patricia Hoffman.
Councilmember McKeown nominated Ted Winterer..

No one was appointed for lack of a majority vote as follows:

Winterer: Councilmembers McKeown, Shriver
Davis: Councilmembers Holbrook, Bloom, Mayor Pro Tem
O'Connor
Hoffman: Mayor Genser

Councilmember McKeown nominated Patricia Hoffman.
Councilmember Shriver nominated Ted Winterer.
Mayor Pro Tem O'Connor nominated Gleam Davis.

No one was appointed for lack of a majority vote as follows:

Winterer: Councilmember Shriver
Davis: Councilmembers Holbrook, Bloom, Mayor Pro Tem
O'Connor
Hoffman: Councilmember McKeown, Mayor Genser

Motion by Councilmember Shriver, seconded by Councilmember Holbrook, to adopt a resolution calling a special election. The motion failed by the following vote:

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

Councilmember McKeown nominated Patricia Hoffman.
Councilmember Shriver nominated Ted Winterer.
Mayor Pro Tem O'Connor nominated Gleam Davis.

No one was appointed for lack of a majority as follows:

Winterer: Councilmember Shriver
Davis: Councilmembers Holbrook, Bloom, Mayor Pro Tem
O'Connor
Hoffman: Councilmember McKeown, Mayor Genser

Councilmember Holbrook nominated Nat Trives.
Councilmember Shriver nominated Ted Winterer.
Mayor Pro Tem O'Connor nominated Gleam Davis.
Councilmember McKeown nominated Patricia Hoffman.

No one was appointed for lack of a majority vote as follows:

Trives: Councilmember Holbrook
Winterer: Councilmember Shriver
Davis: Mayor Pro Tem O'Connor
Hoffman: Councilmembers Bloom, McKeown, Mayor Genser

Councilmember Shriver nominated Ted Winterer.
Councilmember Bloom nominated Glean Davis.
Councilmember McKeown nominated Patricia Hoffman.

Ms. Davis was appointed by the following vote:

Winterer: Councilmember Shriver
Davis: Councilmembers Bloom, Holbrook, Mayor Pro Tem
O'Connor, Mayor Genser
Hoffman: Councilmember McKeown

Councilmember McKeown requested to change his vote to Ms. Davis.
Councilmember Holbrook requested to change his vote to Mr. Winterer,
for a final vote as follows:

Winterer: Councilmember Shriver, Holbrook
Davis: Councilmembers Bloom, McKeown, Mayor Pro Tem
O'Connor, Mayor Genser
Hoffman: None

**OATH OF OFFICE FOR
APPOINTED COUNCIL
MEMBER**

City Clerk Maria Stewart administered the oath of office to newly
appointed Councilmember Glean Davis. Councilmember Davis
assumed her seat.

**ROLL CALL OF NEWLY-
CONSTITUTED
COUNCIL**

On order of the Mayor, the City Clerk called the roll of the City Council
as newly-constituted, with all members present. On order of the Mayor,
the regular City Council meeting continued.

ORDINANCES:

7-A: **Second reading and adoption of Ordinance No. 2284 (CCS)
entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA
AMENDING MUNICIPAL CODE SECTION 2.24.073 AS IT APPLIES
TO PROFESSIONAL CONTRACTS FOR LEGAL SERVICES,"** was
presented.

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

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

STAFF ITEMS:

8-A: **Item withdrawn.**

**RULES OF ORDER FOR
COUNCIL MEETING**

8-B: **Resolution No. 10382 (CCS) entitled:** "A RESOLUTION OF THE CITY OF SANTA MONICA AMENDING THE RULES OF ORDER AND PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NUMBER 10290(CCS)," **clarifying the time of Council meeting resumption after closed sessions**, was presented.

There was no one present for public comment.

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

**ANNUAL REPORTS
FROM BOARDS AND
COMMISSIONS**

8-C: **Scheduling of annual reports from Council-appointed Boards and Commissions** - recommendation to consider options for scheduling annual report presentations from Boards and Commissions to the City Council, and direct staff to return with a revision to Resolution No. 9451 (CCS) that sets forth various policies for Boards and Commissions, was presented.

There was no one present for public comment.

Discussion ensued regarding the merits of the different options provided, the practicality of scheduling extra meetings, and the extent of the need to receive annual reports from all boards and commissions as opposed to receiving information from boards and commissions as needed.

After considerable discussion, on order of the Mayor and with the consensus of Council, no action was taken on this matter.

**COUNCIL LIAISONS
TO BOARDS AND
COMMISSIONS**

8-D: Role of Council Liaisons to Boards, Commissions and Taskforces - recommendation that the City Council review and, either approve or modify, the attached draft of a proposed letter to Board, Commission and Taskforce members conveying information about the role of Council liaisons, was presented.

Member of the public Amy Bishop Dunbar commented in favor of the proposal.

Considerable discussion ensued on the information the proposed letter should contain to advise board and commission members of the opportunities and methods available to communicate with the City Council.

On order of the Mayor, and with the consensus of Council, staff was directed to modify the letter to include information on how boards and commissions may communicate with Council via the agenda or at public comment; the availability of the long-term agenda to find out the upcoming items on the City Council agenda; and to caution when members are speaking as individuals or on behalf of the Commission/ City.

**PUBLIC HEARINGS:
BBB TIDE RIDE AND
ANNENBERG BEACH
HOUSE SERVICE**

9-A: Public Hearing concerning Big Blue Bus Tide Ride and Annenberg Beach House Service - recommendation that City Council conduct a public hearing, receive public comment, and approve implementation of a weekend Beach Ride Mini Blue service and a six-month extension of the existing Tide Ride, was presented.

Members of the public Zina Josephs, Jerry Rubin and Gary Gordon commented and expressed concerns regarding the proposed changes.

Motion by Councilmember Bloom, seconded by Mayor Genser, to approve recommendation and direct staff to return at conclusion of the first extension period and report on status of the program. The motion was approved by the following vote:

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

COUNCIL ITEMS:
APPOINTMENT

13-A: 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 March 3, 2009.

DONATION TO SISTER CITY ASSOCIATION

13-B: Request of Mayor Genser that the Council donate \$ 7,500 from its contingency fund to the Santa Monica Sister City Association to support its international youth soccer tournament which will be held in July, 2009, was presented.

Member of the public Joe Deering spoke in support of the request.

Motion by Mayor Genser, seconded by Mayor Pro Tem O'Connor, to approve request. The motion was approved by the following vote:

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

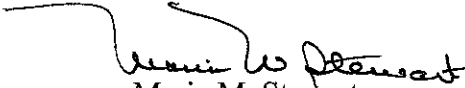
PUBLIC INPUT:

Members of the public Denise Barton, Pro Se and Amy Bishop Dunbar discussed various local subjects.

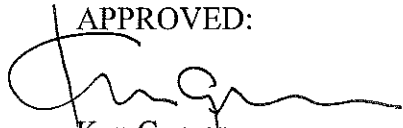
ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 10:28 p.m., in memory of Reba Greenstein.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Ken Genser
Mayor