

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

APRIL 28, 2009

A regular meeting of the Santa Monica City Council was called to order by Mayor Genser at 5:45 p.m., on Tuesday, April 28, 2009, at City Council Chambers, 1685 Main Street.

Roll Call: Present: Mayor Ken Genser
Councilmember Richard Bloom
Councilmember Gleam Davis
Councilmember Kevin McKeown

Absent: Mayor Pro Tempore Pam O'Connor
Councilmember Robert T. Holbrook
Councilmember Bobby Shriver

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 5:45 p.m., with Councilmembers Holbrook, Shriver, and Mayor Pro Tem O'Connor, absent. Kate Vernez, Assistant to the City Manager for Community and Government Relations, 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.

At the request of the Mayor, and with the consensus of Council, this Consent Calendar was combined with the Redevelopment Agency Consent Calendar, Item 1-J. On the order of the Mayor, the City Council convened to a joint meeting with the Redevelopment Agency at 5:45 p.m., with Councilmembers Shriver, Holbrook, and Mayor Pro Tem O'Connor, absent.

Members of the public Joey Fullmer, Jerry Rubin and M. Ross commented on various Consent Calendar Items.

At the request of Councilmember McKeown, Item 1-E was removed from the Consent Calendar. At the request of Mayor Genser, Item 1-J was removed from the Consent Calendar.

At the request of the Mayor, Item 1-D was continued to May 12, 2009, as

it requires five affirmative votes and there are only four Councilmembers present.

Motion by Councilmember McKeown, seconded by Councilmember Davis, to approve all items on the Consent Calendar as presented except Items 1-D, 1-E and 1-J, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

MINUTES

1-A: **The minutes** of the April 7 and April 14, 2009, City Council meetings were approved as submitted.

AIRCRAFT NOISE MONITORING SYSTEM

1-B: **Santa Monica Airport's Aircraft Noise Monitoring System** – recommendation to authorize the City Manager to negotiate and execute Contract No. 9057 (CCS) with Era Corporation, in the amount of \$242,261, for maintenance and support services associated with the Airport's aircraft noise monitoring system, was approved.

PALSSU MOU AMENDMENT

1-C: **Resolution No. 10393 (CCS) entitled:** “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMEMDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE SANTA MONICA PUBLIC ATTORNEY'S LEGAL SUPPORT STAFF UNION,” was adopted.

URBAN AREA SECURITY INITIATIVE GRANT FUNDS

1-D: **Urban Area Security Initiative Grant Funds** – recommendation to authorize the City Manager to accept \$63,750 of grant funds to further enhance local homeland security efforts; and authorize budget appropriations and changes proposed in the staff report.

ACTION: This item was withdrawn and continued to May 12, 2009.

SPECIALTY CAMPS AND CLASSES

1-F: **Specialty recreational camps and classes** – recommendation to authorize the City Manager to negotiate and execute Agreement No. 9059 (CCS) with Surf Academy, in the amount of \$260,000, for Fiscal Year 2009-10; and Agreement No. 9060 (CCS) with Socceropolis, in the amount of \$207,000, for Fiscal Year 2009-10, to provide specialty camps and classes to the public, was approved.

525 BROADWAY

1-G: **Office space lease at 525 Broadway** – recommendation to authorize the City Manager to negotiate and execute an amendment to Contract No. 7369 (CCS) with PRU/JSM Trino LLC, for lease of space at 525 Broadway, was approved.

**SMPOA MOU
AMENDMENT**

1-H: **Resolution No. 10394 (CCS) entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMEMDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE SANTA MONICA POLICE OFFICERS ASSOCIATION,”** was adopted.

**HAZARDOUS WASTE
TRANSPORTATION**

1-I: **Hazardous Waste Transportation, Management and Recycling/Disposal Services** – recommendation to authorize the City Manager to negotiate and execute Contract No. 9061 (CCS) with GEM, in the amount of \$250,000 per fiscal year, for hazardous waste transportation, management and recycling/disposal services from July 1, 2009 through June 30, 2011 with a renewal option through June 30, 2012, was approved.

**APPLICATION FOR
TRANSPORTATION
GRANT FUNDS**

1-K: **Request to Authorize the City Manager to Submit Applications for Transportation/Transit Projects Under the Upcoming Reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and to Direct Staff to Prepare Mayoral Letters of Support,** was approved.

**NEIGHBORHOOD
CONSERVATION
PROGRAM**

1-E: **Develop Neighborhood Conservation Tools, Integrate Policy into Draft Land Use and Circulation Element (LUCE) Plan and Assist with Development Review Services** – recommendation to authorize the City Manager to negotiate and execute the following with The Phipps Group: (1) Contract No. 9058 (CCS), in the amount of \$120,000, for development of measures to be incorporated into a Neighborhood Conservation Program; (2) an amendment to Contract No. 8901 (CCS), in the amount of \$50,000, for services related to the integration of new concepts in the Draft Land Use and Circulation Element Plan and for development review customer service improvements, was presented.

Councilmember McKeown advised he removed this item from the Consent Calendar because he had questions regarding which neighborhoods would be included in the pilot groups. Staff provided additional information.

Motion by Councilmember McKeown, seconded by Mayor Genser, to approve staff recommendation. The motion was approved by the following vote:

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

**REDEVELOPMENT
AGENCY
REPLACEMENT
HOUSING PLAN**

1-J: **Resolution No. 516 (RAS) entitled:** "A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA MONICA APPROVING A REPLACEMENT HOUSING PLAN IN CONJUNCTION WITH THE PROPOSED PROJECT AT 1924 & 1930 EUCLID STREET, 1753 18TH STREET AND 1754 19TH STREET," was presented.

Chair Genser advised he removed this item from the Consent Calendar to direct staff to ensure the person authorized to sign paperwork for the church located on one of the properties is actually authorized to do so.

Members of the public Beverly Collins, Joey Fullmer, and Louisa Fish expressed concerns on the proposed recommendation.

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

AYES: Agency Members McKeown, Davis, Bloom, Chair Genser
NOES: None
ABSENT: Agency Members Shriver, Holbrook, Vice Chair O'Connor

ADJOURNMENT:

On the order of the Mayor/Chair, the special meeting of the Redevelopment Agency was adjourned at 6:05 p.m.

On order of the Mayor, the City Council recessed to closed sessions at 6:09 p.m. and returned at 7:39 p.m., with Councilmembers Holbrook, Shriver, and Mayor Pro Tem O'Connor absent to report the following:

CLOSED SESSIONS:

2-A: **Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Section 54956.9c (initiation of 1 case to collect transient occupancy taxes owing from on-line booking companies; retention of counsel).**

ACTION: Heard. No reportable action taken.

2-B: Anticipated Litigation: Initiation of Litigation pursuant to Section 54956.9c (California Regional Water Quality Control Board, Clean Up and Abatement Order No. R4-2008-0034, Former Gillette Paper Mate facility, 1681 26th Street, Santa Monica, Ca.)

ACTION: Heard. No reportable action taken.

2-C: Conference with Legal Counsel – Existing Litigation: Brogger et al. v. City of Santa Monica, Los Angeles County Superior Court Case No. BC378071.

ACTION: Heard. No reportable action taken.

2-D: 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-E: 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.

STUDY SESSION
BONDING BASICS

3-A: Briefing on Public Agency Debt Process, Capacity and Potential Financing Mechanisms, was presented.

Members of the public Joey Fullmer and Tut Hayes expressed concerns on the item.

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

PICO AREA BRANCH
LIBRARY

3-B: Study Session on the Pico Area Branch Library – recommendation to provide direction as to the preferred location for a Pico area branch library, was presented.

Member of the public Linda Piera-Avila spoke in favor of having the the Library located on Pico Boulevard instead of Virginia Avenue Park.

Discussion ensued on the presentation and options provided by staff. Councilmembers directed staff to return with a study which includes two options for possible sites for the Library, and requested broader Public Outreach and public input.

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

SPECIAL ITEMS:
PROCLAMATION

4-A: **Mayor Genser issued a Proclamation declaring May 2009 as *Older Americans Month in the City of Santa Monica.*** Chair of the Commission for the Senior Community Barry Seid accepted the proclamation.

ORDINANCES:
PAWNBROKERS

7-A: **Second reading and adoption of Ordinance No. 2288 (CCS) entitled: "AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTIONS 9.04.08.18.020 AND 9.04.08.20.020 TO PERMIT PAWNBROKERS AS PERMITTED USES IN THE C3 DOWNTOWN COMMERCIAL AND C3-C DOWNTOWN OVERLAY DISTRICTS,"** was presented.

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

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

STAFF ITEMS:

**ZERO WASTE
STRATEGIC PLAN**

8-A: **Zero Waste Strategic Plan and Extended Producer Responsibility Resolution** – recommendation to direct staff to develop a zero waste strategic plan; and adopt a resolution supporting the California Product Stewardship Council and extended producer responsibility.

On order of the Mayor, this matter was continued to June 9th meeting.

**WOODLAWN
CEMETERY**

8-B: **Long-term business plan for Woodlawn Cemetery** – recommendation to provide input on proposed business plan; direct staff to prepare revisions to Municipal Code Section 7.20.130 (Eligibility to Own Plots and Crypts); and direct staff to incorporate a provision to provide a payment structure as part of a fee study, was presented.

There was no one present for public comment.

Discussion ensued about the proposed Municipal Code revision which would remove the residency requirement to be buried at Woodlawn Cemetery and options to generate revenue for Cemetery Operations..

After the discussion, staff was directed to proceed with the proposed business plan and incorporate a payment structure as part of a fee study. Staff was also directed to look at marketing, to increase the demand from Santa Monica Residents, before considering revising the Municipal Code and returning with an ordinance. No formal action was taken on the recommendation.

**COUNCILMEMBER
ITEMS:**

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

APPOINTMENTS

On order of the Mayor, this item was continued to May 12, 2009.

13-B: Appointment to unscheduled vacancies to the following Boards and Commissions:

Board/Commission	No. of Appts.	Term Ending
Airport Commission	1	6/30/2009
Commission on the Status of Women	1	6/30/2010
Pier Restoration Corporation	1	11/10/2009

On order of the Mayor, this item was continued to May 12, 2009.

**STATE LANDS
COMMISSION**

13-C: Request of Mayor Genser that the City Council waive customary fees for use of Council Chambers to allow the California State Lands Commission to hold its regular meeting on Monday, June 1, 2009, from 8:00 a.m. to 2:00 p.m., was presented.

There was no one present for Public comment.

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

**REDEVELOPMENT
CAPITAL FUNDING
PRIORITIES**

13-D: Request of Mayor Genser that the Council authorize the continued hearing and discussion of Redevelopment Agency Capital Funding Priorities, continued from the April 14, 2009 Council meeting, to be placed on the May 12th, 2009, Council agenda as a #5 Continued Item, was presented.

There was no one present for public comment.

Motion by Mayor Genser, duly seconded, to approve this request. The vote was approved by consensus, with Councilmembers Holbrook,

Shriver, and Mayor Pro Tem O'Connor absent.

PROP 1D AND 1E

13-E: Request of Councilmember Davis that the City Council oppose Propositions 1D and 1E in the Statewide Special Election set for May 19, 2009. Proposition 1D will divert \$1.7 billion over the next 5 years from early childhood programs to the State's General Fund. Proposition 1E will divert \$460 million over the next 2 years from mental health programs that reduce incarceration, homelessness, and emergency room visits to the State's General Fund, was presented.

Member of the public Tut Hayes spoke in opposition and Jeanne Leavitt spoke in support of Councilmember Davis' request.

At the request of Councilmember Davis, this item was continued to the May 12, 2009, Council meeting, when there is a full Council.

MAIN STREET 4TH OF JULY PARADE

13-F: Request of Mayor Genser that the City Council allocate a total of \$15,800 from the Council Contingency Fund to the Ocean Park Association (OPA), North of Montana Association (NOMA), Pico Neighborhood Association (PNA), and Wilshire/Montana Neighborhood Association (Wilmont) to support the production of the 2009 Main Street Fourth of July Parade, was presented.

Member of the public Lori Nafshun spoke in favor of the Council's support for the parade.

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

PUBLIC INPUT:

Members of the public Denise Baron, M. Ross and Tut Hayes discussed various local concerns.

ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 9:39 p.m. to May 12, 2009.

ATTEST:



Denise Anderson-Warren
Acting City Clerk

APPROVED:



Ken Genser
Mayor