

**CITY OF SANTA MONICA**

**CITY COUNCIL MINUTES**

**JULY 28, 2009**

A regular meeting of the Santa Monica City Council was called to order by Mayor Genser at 5:54 p.m., on Tuesday, July 28, 2009, at City Council Chambers, 1685 Main Street.

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

Absent: Councilmember Kevin McKeown  
Councilmember Bobby Shriver

Also Present: City Manager P. Lamont Ewell  
Assistant City Attorney Joseph Lawrence  
City Clerk Maria M. Stewart

**CONVENE/PLEDGE** On order of the Mayor, the City Council convened at 5:54 p.m., with Councilmembers Shriver and McKeown absent. Stephanie Negriff, Director of the Big Blue Bus, 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.

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

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

On order of the Mayor and at the request of staff, Item 1-C was withdrawn.

Motion by Councilmember Holbrook, seconded by Mayor Pro Tem

O'Connor, to approve all items on the Consent Calendar as presented except Items 1-C, 1-E and 1-M, reading resolutions by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**MINUTES**

1-A: **The minutes of minutes** of the June 30 and July 14, 2009, City Council meetings were approved as submitted.

**HAZARDOUS WASTE  
GRANT FUNDS**

1-B: **Used Oil Recycling and Household Hazardous Waste grant funds** – recommendation to adopt Resolution No. 10418 (CCS) entitled: “A RESOLUTION OF THE CITY OF SANTA MONICA AUTHORIZING THE CITY MANAGER TO SUBMIT AND EXECUTE USED OIL RECYCLING AND HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD,” was approved.

**BIODIESEL FUEL -  
WITHDRAWN**

1-C: **Purchase of Biodiesel Fuel** – recommendation that City Council approve an extension of the current purchase order with General Petroleum Corporation, in the amount of \$1,240,000, to supply and deliver B20, B50, and B99 biodiesel fuel blends to the Big Blue Bus Department and the Fleet Management Division through October 31, 2009, was withdrawn.

**PIER NETTING**

1-D: **Purchase and install Pier netting** – recommendation to award Bid No. 2979 to Bird Busters, in the amount of \$107,758 to furnish, deliver, and install netting underneath the Santa Monica Pier, was approved.

**TRAFFIC SAFETY  
GRANT FUNDS**

1-F: **California Office of Traffic Safety grant funds** – recommendation to authorize the City Manager to accept a grant from the California Office of Traffic Safety, in the amount of \$103,805, in Support of the Selective Traffic Enforcement Program, and appropriate funds and approve budgetary changes as proposed, was approved.

**CITYTV FACILITY**

1-G: **Tenant Improvements of New CityTV Facility** – recommendation to authorize the City Manager to negotiate and execute an amendment to Agreement No. 9014 (CCS) with Nonzero Architecture, in the amount of \$8,056, for a total amount of \$206,606, for additional

design services for tenant improvements of the new CityTV facility; and appropriate funds as proposed, was approved.

**BBB BATTERIES**

1-H: **Battery purchase for Big Blue Bus** – recommendation to authorize an increase to the purchase order issued to Battery Systems, Inc. in the amount of \$14,883, to pay for additional batteries, was presented.

**BBB WEBSITE DESIGN**

1-I: **Big Blue Bus Website Design** – recommendation to authorize the City Manager to negotiate and execute Contract No. 9094 (CCS) with Mortar Advertising, LLC, in the amount of \$81,135, for online creative design and information architecture services, for a redesigned Big Blue Bus website and new online transit applications for public use, was approved.

**BBB FILTERS**

1-J: **Filter purchase for Big Blue Bus** – recommendation to authorize an increase to the purchase order issued to Warren Distributing, Inc. in the amount of \$8,719, to pay for additional filters, was approved.

**3330 PICO PLACE N.**

1-K: **Lease property located at 3300 Pico Place North** – recommendation to authorize the City Manager to negotiate and execute Lease No. 9095 (CCS) with Morgan Auto Service for parking on the property located at 3300 Pico Place North, at a rate of \$90 per space per month, for a term ending July 31, 2012, was approved.

**RENEWABLE ENERGY**

1-L: **Renewable electricity for City facilities** – recommendation to authorize the City Manager to negotiate and execute an amendment and reinstatement of Contract No. 8604 (CCS), for purchase of renewable electricity for City facilities, was approved.

**CUSTODIAL SERVICES**

1-E: **Santa Monica Pier Custodial Services** – recommendation to approve an extension of the current month-to-month custodial services Agreement No. 9093 (CCS) with High Tech Building Maintenance, in the amount of \$426,000, for services at the Santa Monica Pier through June 30, 2010, or until a formal bid is awarded, was presented

Councilmember Davis advised this item was removed from the Consent Calendar to request that when staff returns with a new contract she would like to see an analysis of the cost of outsourcing this contract versus keeping it in-house.

Motion by Councilmember Davis, seconded by Mayor Genser, to

approve recommendation. The motion was approved by the following vote:

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

**SM PIER PARKING  
RATES**

**1-M: Adoption of Resolution No. 10419 (CCS) of the City of Santa Monica authorizing celebration of the Santa Monica Pier Centennial Anniversary on September 9, 2009, and implementation of parking event management in support of the event including adjustment of parking rates, was presented.**

Councilmember Genser advised he removed this item from the Consent Calendar to express concerns about the increase in the parking rates, the number of visitors expected, and the speed of moving cars during parking. Discussion ensued on the merits of the proposed rate adjustments and comparisons with rates for other events at other venues. After considerable discussion, Council concurred on the amount of the rate adjustments.

Motion by Mayor Genser, seconded by Mayor Pro Tem O'Connor, to adopt the resolution setting the rate at \$20 for the beach lots and at \$15 for all other lots, reading the resolution by title only and waiving reading thereof. The motion was approved by the following vote:

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

**CLOSED SESSIONS:**

On order of the Mayor, the City Council recessed at 6:24 p.m., to consider closed sessions and returned at 7:56 p.m., with Councilmembers McKeown, Shriver, and Bloom absent, to report the following:

**2-A: 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-B: **Conference with real property negotiator (Govt. Code section 54956.8):**

**Property:** (3 parcels seaward of the 1921 Mean High Tide Line and adjacent to 850 Palisades Beach Rd.

**City negotiator:** Andy Agle

**Negotiating parties:** City and Jonathan Club

**Under negotiation:** Lease pricing and terms

**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 – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (1): two cases.**

**ACTION:** Heard. No reportable action taken.

2-E: **Conference with Legal Counsel – Existing Litigation: Chubna et al. v. City of Santa Monica, USDC, Case No. CV09-5046 CBM (Ex).**

**ACTION:** Heard. No reportable action taken.

2-F: **Conference with Legal Counsel – Existing Litigation: Powell v. City of Santa Monica, Los Angeles Superior Court Case No. SC 098205.**

**ACTION:** Not Heard.

2-G: **Conference with Legal Counsel – Existing Litigation: Cabrera v. City of Santa Monica, Los Angeles Superior Court Case No. SC 093291.**

Motion by Mayor Pro Tem O'Connor, seconded by Councilmember Davis, to approve Settlement No. 9096 (CCS) in the amount of \$50,000, for a fall in a Big Blue Bus. The motion was approved by the following vote:

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

**2-H: Public Employee Evaluations.  
Title of Employee: City Manager**

ACTION: Heard. No reportable action taken.

**ADMIN. ITEMS:  
236 ADELAIDE DRIVE  
APPEAL**

*Councilmember Bloom  
returned at 8:00 p.m.*

**6-A: Appeal of Landmarks Commission Approval of Certificate of Appropriateness Application for rehabilitation of 236 Adelaide Drive** – recommendation to deny appeal 09APP-009 and approve Certificate of Appropriateness application 09CA-006 consisting of a rehabilitation plan for the Landmark residence and contributing site features located at 236 Adelaide Drive based on the proposed findings, was presented.

Appellant, Linda Liles, spoke in support of the appeal.

Lisa Spect and Kelly Sutherlin-McLeod, representing the Applicant, spoke in opposition to the appeal.

Landmarks Commissioner Ruthann Lehrer, representing the Commission, spoke in opposition of the appeal. Member of the public Pat Becker spoke in opposition of the appeal.

Appellant Linda Liles gave a rebuttal to comments made by Applicant's representatives and members of the public.

Motion by Councilmember Davis, seconded by Councilmember Holbrook, to deny the appeal and approve Certificate of Appropriateness application 09CA-006 consisting of a rehabilitation plan for the Landmark residence and contributing site features located at 236 Adelaide Drive based on the proposed findings. The motion was approved by the following vote:

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

**ORDINANCES:**  
**TAXICAB FRANCHISE**

7-A: **Second reading and adoption Ordinance No. 2292 (CCS) entitled:** “AN ORDINANCE OF THE CITY OF SANTA MONICA AMENDING CHAPTER 6.48 OF ARTICLE VI OF THE MUNICIPAL CODE RELATING TO VEHICLES FOR HIRE; ADDING CHAPTER 6.49 TO ESTABLISH TAXICAB FRANCHISES; AND AMENDING SECTIONS 6.04.110, 6.04.160, 6.04.170, 6.04.220, 6.08.210, 6.12.010, AND 6.14.080 REGARDING TAXICABS,” was presented.

Motion by Councilmember Davis, seconded by Mayor Pro Tem O’Connor, to adopt ordinance, reading by title only and waiving further reading thereof. The motion was approved by the following vote:

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

**STAFF ITEMS:**  
**JONATHAN CLUB LEASE OF BEACH PROPERTY**

8-A: **Future use of beach property leased by Jonathan Club and Supplemental Report** – recommendation to determine whether, in accordance with the permit and lease (Permit for Improvements and Lease Option Agreement by and between State of California, City of Santa Monica and Jonathan Club) executed in 1984, between the State of California, City of Santa Monica and Jonathan Club, there has been a material change in the need for public use of the three beach parcels leased to the Jonathan Club for private use; authorize and direct staff to take action consistent with the determination and the lease terms, was presented.

Tom Larmore, representing the Jonathan Club, spoke in support of a recently presented new proposal from the Club for an extension of the beach with modified terms.

Member of the public Jerry Rubin spoke in support of allowing public use of the beach property.

Discussion ensued. After considerable discussion it was the consensus of Council to continue this matter until August 11, 2009, to allow staff time to consider and analyze the new proposal from the Jonathan Club, and so that Council can consider all the related points at the same time.

**MARATHON ROUTES; 8-B: Marathons and Half-Marathons in Santa Monica: Pilot L.A. L.A. MARATHON ROUTE Marathon Route and Santa Monica Half-Marathon Route –**

recommendation to assess the benefits and impacts of holding marathons and half-marathons in the City. If Council determines these races are appropriate, then provide direction regarding revisions to the provisions of the Community Events Law to establish on a trial basis the marathon route proposed for the March 21, 2010 LA Marathon and the half-marathon route proposed for the February 28, 2010 Santa Monica Half-Marathon and designation of the south beach lots for licensure for commercial events, was presented.

The following members of the public spoke in support of local marathons and of the L.A. Marathon: Russ Pillar, Frank McCourt, Bill Lockton, Laurel Rosen, mark Gold, Tania Fischer, Eric Bamon, Sonia Diaz, John Seiber, Karin Hall, Laurence Cohen, Natalie Burdick, Carl Smirkal, Jerry Rubin, Monique Gutierrez, Virgil Torres, Justine Liddelov, Jeff Urband, Daisy Hernandez, Oscar de la Torre, Ken Murphy, Ted Kahan, Michael Mahler, Marvyn Cooper, Julie Weiss, Michelle Fleenor, John Phillips, Don Camacho, Patrick Adams, Ray Coleman, Denny Smith, and Nicholas Holden.

Considerable discussion ensued on both the consideration of local marathons and of the L.A. Marathon, and on related issues including but not limited to safety, traffic, cost recovery, permitting process, street closures, and the effects of the proximity of the dates proposed for the two races.

Motion by Councilmember Holbrook, seconded by Councilmember Bloom, to direct staff to prepare changes in local law to allow marathons and half-marathons in Santa Monica; instruct staff to negotiate with the L.A. Marathon for an approved route through Santa Monica on March 21, 2010; staff to determine the appropriate route through and within Santa Monica for one-half or full marathons; and that the Council will approve any half or full marathons through or completely within Santa Monica.

Mayor Genser commented on the absence, in the motion, of direction to staff to work with promoters of the Santa Monica Marathon and to look for an appropriate date for the event.

Councilmember Holbrook advised he would accept this direction as a friendly amendment to his motion.

Motion by Councilmember Davis, to amend motion and direct staff to examine making changes with regard to the South Beach lot. The motion was accepted as friendly.

The motion, as amended, was approved by the following vote:

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

**COUNCIL TRAVEL  
POLICY**

8-C: **Council Travel Policy** – recommendation to consider suggested revisions to existing Policy and direct staff to return with a resolution approving any necessary amendments.

At the request of Councilmember Holbrook, and with the consensus of Council, this item was continued to August 11, 2009, as Councilmember Shriver has an interest in this matter and would like to participate.

**PUBLIC HEARINGS:  
STORMWATER PARCEL  
REPORT**

9-A: **Public Hearing and approval of the Stormwater Parcel Report and Stormwater Management User Fee for Fiscal Year 2009-10** – recommendation to approve the 2009 Stormwater Parcel Reports pursuant to the California Health and Safety Code, and Stormwater Management User Fee for Fiscal Year 2009-10, was presented.

There was no one present for public comment.

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

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

**COUNCIL ITEMS:**

13-A: **Designation of voting delegate(s) for Annual Business Meeting, League of California Cities Annual Conference, September 16-18, 2009, San Jose**, was presented.

There was no one for public comment.

Motion by Mayor Genser, seconded by Mayor Pro Tem O'Connor, to appoint Councilmember McKeown as a voting delegate and Mayor Pro Tem O'Connor and Councilmember Holbrook as alternate voting delegates. The motion was unanimously approved by voice vote, with Councilmembers McKeown and Shriver absent.

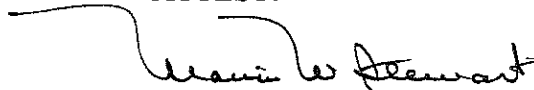
**PUBLIC INPUT:**

Members of the public Faye Jurabchi, Denise Barton, M. Ross, Eda Jace, Sally Kasiov, and Lindas Baskauskas expressed concerns and commented on various local issues.


**ADJOURNMENT:**

On order of the Mayor, the City Council meeting was adjourned at 11:12 p.m., in memory of Bernardo Cline, Gene Belhumeur, and Irene Wolt.

ATTEST:

  
Maria M. Stewart  
City Clerk

APPROVED:

  
Ken Genser  
Mayor