

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

JANUARY 28, 2017

A special meeting of the Santa Monica City Council was called to order by Mayor Winterer at 9:11 a.m., on Saturday, January 28, 2017, at ~~City Council Chambers, 1685 Main Street.~~ **Civic Center East Wing, 1855 Main Street.**

Roll Call: Present: Mayor Ted Winterer
Mayor Pro Tem Gleam Davis
Councilmember Sue Himmelrich
Councilmember Kevin McKeown
Councilmember Pam O'Connor
Councilmember Terry O'Day
Councilmember Tony Vazquez

Also Present: City Manager Rick Cole
Interim City Attorney Joseph Lawrence
City Clerk Denise Anderson-Warren

CONVENE/PLEDGE

On order of the Mayor, the City Council convened at 9:11 a.m., with all members present. Councilmember Vazquez led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS

Members of the public Alan Levenson, Jonathan Stein (time donated by Bruria Finkel), and Zina Josephs commented on public comment on closed sessions.

On order of the Mayor, the City Council recessed at 9:20 a.m., to consider closed sessions and returned at 9:56 a.m., with all members present, to report the following:

1.A. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Federal Aviation Administration v. City of Santa Monica, Notice of Investigation, Part 16 FAA Docket No. 16-16-13

The Interim City Attorney reported that the City is entering into a Consent Decree Agreement with the United States of America and the Federal Aviation Administration which completely resolves all of the outstanding disputes in the cases related to Items 1-A, 1-D, and 1-E.

The Consent Decree Agreement Terms include:

- Ends lawsuits and other legal proceedings between the City and United States/FAA;
- Airport Property released from all restrictions of the Instrument of Transfer and Quitclaim Deed;
- Airport Closes December 31, 2018; and,
- Runway shortened to 3500 feet, eliminating air charter operations and substantially reducing jet traffic.

The Consent Decree agreement key terms are as followings:

The City, United States of America and Federal Aviation Administration agree to consent decree: resolves all outstanding disputes and claims between the FAA, United States and the City of Santa Monica; the Santa Monica Airport will close no later than December 31, 2028; in the interim the operational length of the runway will be reduced to 3500 feet, it is anticipated that the reduction in runway length, will cause over 40% of current jet operation unable to use Santa Monica Airport, it will eliminate all possibility of charter operations operating out of Santa Monica Airport; removes all restrictions on the airport property that are currently subject lawsuits, which means Airport Property released from all restrictions of the Instrument of Transfer and Quitclaim Deed; FAA agrees that the City of Santa Monica can operate a fixed based operations, if the city elects to; Prior to the closure, the land that is no longer needed for a runway is released for airport purposes and could be used as the City so desires, subject to aviation easement; the FAA will work with the City, if the city request to become a demonstration project for unleaded fuel; The parties further agree not to undermine directly or indirectly this agreement or any terms for so long as the agreement or any resulting Consent Decree remains in effect.

It is recommended by the Interim City Attorney and outside counsel that the City Council approve this Consent Decree No. 10439 (CCS).

Questions were asked and answered about the effect that this agreement would have on jet fuel sales; with the shortening of the runway to 3500 feet is there a possibility to direct staff to start looking for cut-throughs for traffic; does this agreement require that the airport be closed; and, how soon can it be anticipated that the airport runway will be shortened.

Motion by Councilmember O’Day, seconded by Mayor Pro Tem Davis, to approve and agree to the Consent Decree Agreement. The motion was approved by the following vote:

AYES: Councilmembers O’Day, O’Connor, Mayor Pro Tem Davis,
Mayor Winterer

NOES: Councilmembers McKeown, Vazquez, Himmelrich

ABSENT: None

Councilmember McKeown stated his no vote for the record because “Five months ago this Council, with my enthusiastic support, voted to close Santa Monica Santa Monica Airport by June 30, 2018, the beginning of next summer. Today’s settlement keeps the airport open until December 31, 2028, essentially until 2029 – that’s twelve long years from now.

With this settlement, we snatch defeat from the jaws of victory. This, at a time when the FAA’s willingness to negotiate revealed the FAA itself suspected they would lose their court battles with Santa Monica — even while they continue to hold our land hostage.

I was silent in public discussion today because the decision had already been made, and the documents had been signed in Washington. I can assure the community I was adamant, and consistent, in my opposition to this settlement, and expressed my opposition repeatedly in closed session legal discussions that led to today’s public action.

This consent decree means that planes, including some jets, will continue to fly for 12 more years. The mandate Santa Monica voters sent the Council with Measure LC is deferred for 12 more years. Airport Park is delayed for 12 more years. I vote no for all those reasons.”

Councilmember Vazquez stated his no vote for the record “I was pretty much in agreement comments made by Councilmember McKeown. The Attorney’s did a great job negotiating back and forth because this has been going on for some time. But for me, the clincher was I feel while there is no guarantee in these decision, especially when you put it in before a judge, whether you win or lose, I thought we had a strong enough case that we worst case scenario we would close this thing by 2023. For me that was the biggest deciding factor. To the public moving forward we need be very vigilant sure that we continue to elect a very progressive Council, because 12 years from now, I would hate to see a future Council cut a deal with the FAA to continue to operate this airport for more than 12 years.”

Councilmember Himmelrich stated her no vote for the record, “I agree with what has been said, but I don’t believe this guarantee is a certainty, and a lot can happen in 12 years, and I further believe that even the burden of a reduced amount of jets affecting our residents and West L.A. residents is something that is unacceptable.”

1.B. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. Atlantic Aviation, Los Angeles Superior Court Case Number SC 126 653

The Interim City Attorney advised this matter was heard with no reportable action taken.

1.C. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. American Flyers, Los Angeles Superior Court Case Number 16RO5422

The Interim City Attorney advised this matter was heard with no reportable action taken.

1.D. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. United States of America, U. S. District Court Case Number CV 13-08046

This item was approved as part of Item 1-A.

1.E. Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. Federal Aviation Administration, United States Court of Appeals for Ninth Circuit Case Number 16-72827

This item was approved as part of Item 1-A.

1.F. Conference with Legal Counsel – Anticipated Litigation – Anticipant significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 case

The Interim City Attorney advised this matter was heard with no reportable action taken.

REPORT ON COUNCIL TRAVEL

Councilmember Vazquez reported that he was in the middle of attending the Independent City Association (ICA) meeting in Santa Barbara this weekend. He sits on the Executive Board, and he will be returning for a Board meeting at the adjournment of the City Council meeting.

**STUDY SESSION:
PERFORMANCE
MANAGEMENT**

4.A. Use of a Framework for Performance Management and Data-Driven Decision Making, was presented.

Recommended Action

Staff recommends that the City Council review and comment on developing an organizational framework based on the dimensions of Civic Wellbeing and the Sustainable City Plan and direct staff to proceed with building a comprehensive performance management system based on the framework, was presented.

There were no members of the public present to speak on this item.

Questions asked and answered of staff included: Should other categories be added to the Wellbeing Index (i.e. Economic and Physical Safety, Time/Life balance, and Life Satisfaction); how can you measure the solutions and how people are feeling; what kind of integrations that can happen to make up the gap between 0 – 5 years range to make sure that kids don't fall through the cracks; how do we make sure young adults feel more secure and what types of policies should be effective; are wellbeing index being incorporated in the School District; how to incorporate the Wellbeing Index to make sure that young people are successful; how will core competence and metrics work into the operations and budget; will outcomes versus outputs be determined by metrics; and, how do you reach a balance of getting data and protecting people's privacy in Open Data;

Considerable discussion ensued on topics including, but not limited to: Accountability, lead to reallocating funds in the necessary areas and that the policies will change according to the data received; Be innovative, create new programs that addresses the community needs and how it could improve; make sure we still integrate/recognize Climate Change and Sustainability within the Wellbeing Framework; Gender equality should have a significant inclusion in this framework; invest savings locally, specifically banking; housing issues being addressed; and there should be pilot programs on any new measures being recommended, or issues that are identified.

Motion by Councilmember O'Connor, seconded by Mayor Winterer, to receive and file the information presented. The motion was unanimously approved by voice vote, with all members present.

ADJOURNMENT

On order of the Mayor, the City Council meeting was adjourned at 12:36 p.m.

ATTEST:



Denise Anderson-Warren
City Clerk

APPROVED:



Ted Winterer
Mayor