

CITY OF SANTA MONICA

CITY COUNCIL MINUTES

DECEMBER 15, 2008

A special meeting of the Santa Monica City Council was called to order by Mayor Genser at 6:05 p.m., on Monday, December 15, 2008, at City Council Chambers, 1685 Main Street.

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

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 6:05 p.m., with Councilmembers Shriver and Katz absent, and with Mayor Pro Tem O'Connor teleconferencing from 4434 North Racine Avenue, No. 3, Chicago, Illinois. Member of the public Jerry Rubin led the assemblage in the Pledge of Allegiance.

CLOSED SESSIONS:

Members of the public Albert Olson, Jim Donaldson, Martin Rubin, Jerry Rubin, , Gwen Rhinehart and Zina Josephs commented on negotiation points related to the case involving the FAA and the municipal airport.

On order of the Mayor, the City Council recessed to closed session at 6:18 p.m., and reconvened at 7:35 p.m., with Councilmembers Shriver, Katz, and Mayor Pro Tem O'Connor absent, to report the following:

Mayor Pro Tem O'Connor was excused at 7:30 p.m.

2-D: Anticipated Litigation: Anticipate significant exposure to litigation Pursuant to Government Code Section 54956.9(b): 161 Ocean Park Boulevard.

Motion by Councilmember Bloom, seconded by Mayor Genser, that as to

the dispute concerning installation of handicap ramp on the property, lack of driveway access at property for the five on-site garages, and vehicular access occurring across sidewalk adjacent to the property and handicap ramp, the Council approves the following:

1. Owner agrees to construct new vehicular driveway from Ocean Park Boulevard to the existing garages.
2. The work will require, among other work, demolition of the existing elevated patio and its replacement with a narrower walkway, certain required modifications to the apartment building, replacement and relocation of the traffic light standard adjacent to the property along Ocean Park Boulevard, construction of a new curb cut, new handicap ramp, and installation of a protective barrier between the new driveway and sidewalk along Nielson Way.
3. City and property owner will share the costs as follows: (a) owner will be responsible to pay first \$32,000 of the patio work. The city will be responsible for the remainder of the work up to an additional \$32,000; (b) Owner will be responsible to pay the first \$25,000 of the traffic signal work costs. The City will be responsible for the remainder of the work up to an additional \$75,000; (c) if costs exceed the above amounts, the costs shall be split as follows: Patio work costs shall be split 50-50; traffic signal work shall be split 75-25; and these total additional costs shall not cause the total costs to exceed \$200,000. The motion was approved by the following vote:

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

2-E: Conference with Legal Counsel – Existing Litigation: Larry Gulihur v. City of Santa Monica, Superior Court Case Number SC 095055.

Motion by Councilmember Bloom, seconded by Mayor Genser, to approve settlement in the amount of \$75,000. The motion was approved by the following vote:

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

RECESS

Councilmember Katz arrived at 5:35 p.m.

On order of the Mayor, the City Council recessed on Monday at 7:37 p.m., and reconvened to consider closed sessions on Tuesday at 5:35 p.m., with Councilmember Shriver absent, and Mayor Pro Tem O'Connor teleconferencing into the meeting.

Councilmember McKeown was excused at 6:30 p.m.

On order of the Mayor, the City Council returned from closed session at 6:55 p.m., with Councilmembers McKeown and Shriver, and Mayor Pro Tem O'Connor absent, to report the following:

Mayor Pro Tem O'Connor was excused at 6:55 p.m.

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: Case 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: Case heard, no reportable action taken.

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

Motion by Councilmember Katz, seconded by Councilmember Bloom, to approve settlement and pay \$395,192.22 to Mr. Smiley and \$104,807.78 to Mr. Smiley's attorneys, with the settlement resolving all outstanding personnel issues and Mr. Smiley's lawsuit. The motion was approved by the following vote:

AYES: Councilmembers McKeown, Katz, Holbrook, Bloom, Mayor Genser

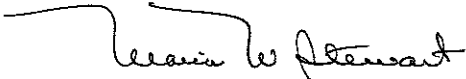
NOES: None

ABSENT: Councilmembers Shriver, Mayor Pro Tem O'Connor


ADJOURNMENT:

On order of the Mayor, the City Council meeting was adjourned at 7:00 p.m.

ATTEST:


Maria M. Stewart
City Clerk

APPROVED:


Ken Genser
Mayor