

REGULAR MEETING OF THE
CITY COUNCIL, CITY OF CULVER CITY,
CALIFORNIA

July 25, 2011
5:30 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:30 p.m.

Present: Micheál O'Leary, Mayor
D. Scott Malsin, Vice Mayor
Christopher Armenta, Councilmember
Jeffrey Cooper, Councilmember
Andrew Weissman, Councilmember

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Closed Session

The City Council adjourned to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators

Re: 9099 Washington Boulevard

Agency Negotiators: John Nachbar, City Manager/Executive

Director; Sol Blumenfeld, Director of Community

Development/Assistant Executive Director; Todd Tipton, Deputy

Community Development Director/Redevelopment Administrator;

and Murray Kane, Agency General Counsel

Other Parties Negotiators: Elvin W. Moon

Under Negotiation: Both Price and Terms of Payment, including use restrictions, development obligations and other monetary related considerations.

Pursuant to Government Code Section 54956.8

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Closed Session
(continued)

CS-2 Conference with Real Property Negotiators

Re: 8511 Warner Drive, and 8660 Hayden Place/8550 Higuera Street

Agency Negotiators: John M. Nachbar, City Manager/Executive Director, Sol Blumenfeld, Community Development Director/Assistant Executive Director, Todd Tipton, Deputy Community Development Director/Redevelopment Administrator and Murray Kane, Agency General Counsel

Other Parties Negotiators: Hackman Capital and Conjunctive Points Warner Development (a.k.a. Samitaur Constructs/Fredrick Smith)

Under Negotiation: Both Price and Terms of Payment, including use restrictions, development obligations and other monetary considerations

Pursuant to Government Code Section 54956.8

CS-3 Conference with Real Property Negotiators

Re: 10808 Culver Boulevard

City Negotiator: John M. Nachbar, City Manager; Martin R. Cole, Assistant City Manager; Daniel Hernandez, Director of Parks, Recreation, and Community Services

Other Parties' Negotiators: State of California and The Wende Museum

Under Negotiation: Both Terms and Price

Pursuant to Government Code Section 54956.8

CS-4 Conference with Real Property Negotiators

Re: 10866 Culver Boulevard

City Negotiator: John Nachbar, City Manager; Martin Cole, Assistant City Manager

Other Parties Negotiators: Friends of the Culver City Scout House and Culver City Rock and Mineral Club

Under Negotiation: Both Terms and Price

Pursuant to Government Code Section 54956.8

CS-5 Conference with Legal Counsel - Anticipated Litigation

Re: Significant Exposure to Litigation - (2 items)

Pursuant to Government Code Section 54956.9(b)(1)

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July 25, 2011

Recess

The City Council recessed to Closed Session at 5:30 p.m.

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Reconvene

The City Council reconvened its meeting at 7:00 p.m. with all Councilmembers present.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Ronnie Jayne, Culver City Cultural Affairs Commissioner.

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Presentations

Item P-1

Presentation of Commendations to Commissioners for their Service to the City.

Councilmember Weissman presented the commendation to Vicki Daly Redholtz for her service on the Parks, Recreation and Community Service Commission.

Vicki Daly Redholtz thanked the City Council for the commendation.

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Item P-2

Presentation of a Commendation to former Disability Advisory Committee Member Karen Hassan for 16 years of Service on the Committee.

Councilmember Malsin presented the commendation to Karen Hassan.

Steve Hassan thanked the City Council on behalf of Karen Hassan.

Carol Schwab, City Attorney, commended Karen Hassan for her dedication to the community.

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Community Announcements by City Council Members/Information Items from Staff

Martin Cole, Assistant City Manager/City Clerk, reported speaking with former Civil Service Commissioner Sharon Zeitlin, who sent her regrets that she could not be present at the meeting to receive a commendation for her service on the Commission.

Mayor O'Leary announced the 17th Annual Culver City Music Festival in the City Hall Courtyard on Thursday evenings from July 7 to August 25, 2011 and presented by the Culver City Redevelopment Agency; a free performance by We Tell Stories at the Julian Dixon Library on July 27, 2011; and performances by the Culver City Public Theater on July 30 and 31, 2011 at Carlson Park.

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Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Ronnie Jayne invited everyone to attend the Fiesta La Ballona to be held on August 26-28, 2011.

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Public Comment
(continued)

Elena Sweda Neff, Culver City representative to the Los Angeles West Vector Control District, discussed public education and noted that they would be present at the Garden and Rock Club event on August 2, 2011 and also at Fiesta La Ballona on August 27-28, 2011; and she also noted that West Nile Virus had been reported in Santa Barbara.

Larry Thomas asked for consideration of posting signs regarding removal of dog waste on Green Valley Circle.

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Receipt of Correspondence

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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Consent Calendar

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF JUNE 13, 2011 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JULY 2, 2011 TO JULY 15, 2011.

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Item C-3

Adoption of a Resolution Authorizing the Destruction of Certain Records Retained by the Police Department.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R068 AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS RETAINED BY THE POLICE DEPARTMENT.

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Item C-4

Approval of Special Permits to Allow Animals in Veterans' Memorial Park for Entertainment Purposes on August 26, 27 and 28, 2011 during the Fiesta La Ballona to Freckle Farms for a Petting Zoo and Pony Rides, and the Culver City Police Department for a K-9 Dog Demonstration.

THAT THE CITY COUNCIL APPROVE SPECIAL PERMITS TO ALLOW ANIMALS IN VETERANS' MEMORIAL PARK FOR ENTERTAINMENT PURPOSES ON AUGUST 26, 27 AND 28, 2011 DURING THE FIESTA LA BALLONA TO FRECKLE FARMS FOR A PETTING ZOO AND PONY RIDES, AND THE CULVER CITY POLICE DEPARTMENT FOR A K-9 DOG DEMONSTRATION.

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Item C-5

Approval of Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the 2011 Residential Overlay Project, Phase 2, P-863, P-903.

THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE 2011 RESIDENTIAL OVERLAY PROJECT, PHASE 2, P-863, P-903; AND
2. AUTHORIZE PUBLICATION OF A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE 2011 RESIDENTIAL OVERLAY PROJECT, PHASE 2, P-863, P-903.

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Item C-6

**Adoption of an Ordinance Opting-in to an Alternative
Redevelopment Program.**

THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2011-008 OPTING-IN
TO AN ALTERNATIVE REDEVELOPMENT PROGRAM.

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The following Consent Calendar Items were discussed and voted
on separately:

Item C-7

**(1) Adoption of a Resolution Classifying the Various
Components of Fund Balance as Defined in Governmental
Accounting Standards Board Statement Number 54 Effective with
Fiscal Year 2010/2011 and (2) Delegation of Certain Authority
to the City Manager and Chief Financial Officer.**

Responding to Councilmember Armenta, Jeff Muir, Chief
Financial Officer, clarified the delegation of authority to
the City Manager and Chief Financial Officer; assigned fund
balances; grants; and recommendations of the auditor.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER
ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT
RESOLUTION NO. 2011-R069 CLASSIFYING THE VARIOUS COMPONENTS OF
FUND BALANCE AS DEFINED IN GASB 54 EFFECTIVE WITH FISCAL YEAR
2010/2011 AND TO DELEGATE CERTAIN AUTHORITY TO THE CITY
MANAGER AND CHIEF FINANCIAL OFFICER.

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Item C-8

Adoption of a Resolution Approving a Two Year Memorandum of Understanding with the Culver City Employees' Association for the Period of July 1, 2011 through June 30, 2013.

Councilmember Malsin expressed concern that changes in retiree medical benefits contained in the MOU will encourage valuable long-term employees to retire and will create undue financial hardship for many others.

MOVED BY COUNCILMEMBER WEISSMAN AND SECONDED BY COUNCILMEMBER COOPER THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R070 APPROVING A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CULVER CITY EMPLOYEES ASSOCIATION FOR THE PERIOD OF JULY 1, 2011 THROUGH JUNE 30, 2013.

AYES: Councilmembers Armenta, Cooper, Weissman, O'Leary
NOES: Councilmember Malsin
ABSTAIN: None
ABSENT: None

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Public Hearings

Item PH-1

(1) Declaration of the results of the Assessment Ballot Tabulation for West Washington Benefit Assessment District Number Three; and, (2) Adoption of a Resolution Forming the Assessment District, Confirming the Diagram and Assessment, and Ordering the Improvements, Services and Annual Levy.

Martin Cole, Assistant City Manager/City Clerk, explained procedures for the Public Hearing items.

Staff provided a summary of the material of record.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE OPENED.

Mayor O'Leary invited public comment.

There was no response.

Martin Cole, Assistant City Manager/City Clerk, invited the public to submit a ballot or change a vote received by mail by the City Clerk's Office.

There was no response.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE CLOSED.

Mayor O'Leary indicated that tabulation on this item would begin and the City Council would return to this item later in the meeting.

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Item PH-2

Consideration of (1) Applications from All Yellow Taxi, Inc. and TMAAT Corp. dba Taxi! Taxi! To Obtain Taxi Business Operating Permits in Culver City and (2) a Request from Culver City Yellow to Increase Their Number of City Decals from 20 to 30.

Jeff Muir, Chief Financial Officer, provided a summary of the material of record.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE OPENED.

Mayor O'Leary invited public comment.

The following members of the public addressed the City Council:

David Gershwin, speaking on behalf of All Yellow Taxi, discussed their strong record of service in Culver City and the surrounding areas; training; their work with Access Paratransit; their record of on time service; and requested a "yes" vote on Motion 1A.

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Item PH-2
(continued)

Tom Larmore, speaking on behalf of TMAP Corporation, dba Taxi! Taxi!, discussed their track record and fleet; response times; training; and he requested approval of their application.

Guido Scimeca indicated that he is a recent Access rider and he supported all the applications.

Jack Garate, Global Paratransit, clarified that they provide Access services in the Southern region; discussed performance and quality service; and expressed support for All Yellow Taxi.

Helen Fukuhara reported using Access Paratransit extensively and expressed support for All Yellow Taxi.

Paul Magdziak, a Culver City Yellow Cab driver, discussed the fact that business was slow; the number of permits being used; and he clarified that they only service Culver City and did not need more competition.

Andrey Primushko, United Independent Taxi Company and Culver City Yellow Cab Company, discussed their many years in the City; their participation in the Chamber of Commerce and sponsorship of events; their performance and service time; concern with too many licenses being issued; and he noted that there was not a taxi stand in the City.

Abate Teferi, Culver City Yellow Cab, indicated that he only drove in Culver City; he did not feel that companies from other cities should be granted permits; and he expressed concern with too many taxis in the City.

Steven Rose, Culver City Chamber of Commerce, discussed public notice; noted that Culver City Yellow Cab and United Independent Cab were members of the Chamber of Commerce and supported City groups; and he discussed their record of service.

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Item PH-2
(continued)

Melese Adamu, Culver City Yellow Cab, discussed the history of the company in the City; United Independent Taxi; demand and the current economy; he requested a "no" vote for the proposed increases except for the three additional permits requested by Culver City Yellow Cab until the economy improves; he clarified that they only operated in Culver City; noted that they were working to ensure that the City was being properly served; and he pointed out that they had never received a single complaint.

Alice Prasad, Associate Analyst, read written comments submitted by:

Mohammed Abdul Karim
Wayne Sibilia

Public comment continued:

Mohammed Karim, Culver City Cab, discussed the drivers and their experience; exclusive hotel contracts; and he expressed concern with increasing the number of taxis in the City.

Ayman Radwam, Taxi! Taxi!, felt that the City needed hybrid vehicles; discussed traffic impacts to the City; dedicated vehicles to Culver City; testing the market to determine demand; noted that they were a member of the Chamber of Commerce; discussed the open market; their service record; clarified that there were no exclusive accounts; and he felt their vehicles were superior to those offered by other companies.

Mayor O'Leary received clarification from Mr. Radwam that they cannot honor calls from Culver City and although they drop off in Culver City, they can not pick up anyone from Culver City.

Wayne Sibilia, Culver City Yellow Cab, felt that more taxis were not necessary; noted that cabs working exclusively in Culver City were struggling; discussed the economy; opposed increases to the number of permits; discussed the number of decals issued versus the number of decals being utilized; expressed concern with commercializing the City and possible overcharging of customers; and he discussed dedicated Culver City drivers.

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Item PH-2
(continued)

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE CLOSED.

Discussion ensued between the City Council and staff regarding healthy competition; input from customers; potential revenue sources; the ability to revisit the item; the importance of clean vehicles; a feeling that competition would lead to improvements in overall air quality; serving the aging community; and Beverly Hills Cab.

Councilmember Armenta moved the staff recommendation for Motions 1A, 2A, and 3A.

Responding to Councilmember Cooper, Andrey Primushko, United Independent Taxi, reported that United Independent Taxi serves 15 cities but Culver City Yellow Cab serves only Culver City; and he clarified that the call station is located near downtown Los Angeles.

Further discussion ensued between the City Council and staff regarding whether businesses are solicited by taxi cab companies; cabs from other cities dropping off in Culver City but being unable to then pick up fares; free enterprise and competition; and concern with having enough business to sustain the companies.

In response to Councilmember Malsin, Melese Adamu, Culver City Yellow, clarified that Culver City Yellow Cab and United Independent Taxi are different entities and he provided background on the companies.

Discussion continued between the City Council and staff regarding increasing permits for Culver City Yellow Cab; concern with companies losing interest due to lack of business in the City; paratransit services; suspension and revocation of permits; feasibility of adding a clause to indicate the addition would be implemented on a trial basis with the caveat that the last one in would be the first one out; issuance and duration of permits; an overall assessment; and findings of necessity to revoke permits.

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Item PH-2
(continued)

Further discussion continued regarding the effective date; opportunities to evaluate the level of service; the ability to take action if the level of service is inadequate or oversaturated; the necessity of making findings for non-renewal of permits; impacts to existing permits; a four month trial period; continuing the hearing to obtain additional information regarding flexibility of the permit; implementing a minimum number of decals to be utilized in order to have the right to serve; concern there is not enough business in the City; revisions to the Municipal Code; and reasons for the changes to the policy in Santa Monica.

MOVED BY COUNCILMEMBER ARMENTA AND SECONDED BY COUNCILMEMBER WEISSMAN, THAT THE CITY COUNCIL:

1A. MAKE FINDINGS DETERMINING THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE ADDITIONAL TAXICAB SERVICE WITHIN THE CITY AND GRANT A TAXI BUSINESS PERMIT TO ALL YELLOW TAXI, INC.; EFFECTIVE ON AUGUST 1, 2011, CONDITIONED ON THE COMPANY'S COMPLIANCE WITH ALL TAXI AND BUSINESS REGULATIONS AS SET FORTH IN THE CULVER CITY MUNICIPAL CODE; AND

2A. MAKE FINDINGS DETERMINING THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE ADDITIONAL TAXICAB SERVICE WITHIN THE CITY AND GRANT A TAXI BUSINESS PERMIT TO TMTA CORP DBA TAXI! TAXI!; EFFECTIVE ON AUGUST 1, 2011, CONDITIONED ON THE COMPANY'S COMPLIANCE WITH ALL TAXI AND BUSINESS REGULATIONS AS SET FORTH IN THE CULVER CITY MUNICIPAL CODE; AND

3A. (STAFF RECOMMENDATION) APPROVE THE REQUEST AND AUTHORIZE THE ISSUANCE OF 10 ADDITIONAL CITY DECALS (FROM 20 TO 30) TO CULVER CITY YELLOW.

AYES: Councilmembers Armenta, Cooper, Malsin, Weissman
NOES: None
ABSTAIN: Councilmember O'Leary
ABSENT: None

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July 25, 2011

Item PH-1
(continued)

(1) Declaration of the results of the Assessment Ballot Tabulation for West Washington Benefit Assessment District Number Three; and, (2) Adoption of a Resolution Forming the Assessment District, Confirming the Diagram and Assessment, and Ordering the Improvements, Services and Annual Levy.

Martin Cole, Assistant City Manager/City Clerk, announced the tabulation of assessment ballots, noting that a majority protest did exist and that the proceedings could not continue. He read a resolution for City Council consideration.

Discussion ensued between the City Council and staff regarding the value the Redevelopment Agency has brought to the rest of the neighborhood; the area of Ward, Washington Place and Washington Boulevard; existing medians; abandoning linear medians; carrying proceeds over to AIP 4; maintenance costs; additional study of costs; how long until the assessment can be considered again; conducting outreach and education; the unique nature of the area; nearby assessment districts; distribution of the vote; doing the project in phases; creating more manageable assessments; and reassessing the situation in the future.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DECLARE THE RESULTS OF THE ASSESSMENT BALLOT TABULATION FOR WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NUMBER 3;
2. ADOPT RESOLUTION NO. 2011-R071 ABANDONING THE PROCEEDINGS TO FORM THE DISTRICT, AND LEVY ASSESSMENTS THEREIN; AND
3. RETURN TO THE AREA FOR CONSIDERATION AS OTHER SEGMENTS OF WEST WASHINGTON ARE COMPLETED.

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July 25, 2011

Closed Session Report

Responding to an inquiry from Mayor O'Leary, Carol Schwab, City Attorney, clarified that one item in Closed Session Item CS-5 needed to be continued as it was not completed; and the other would be rescheduled for a future meeting as it was not addressed.

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Action Items

Item A-1

(1) Consideration of the Culver City Exchange Club's Request to Extend the Operating Hours of the Beer and Wine Garden by One Hour on Friday and Saturday; and, (2) Adoption of a Resolution Granting a Permit to the Exchange Club to Conduct a Beer and Wine Garden in Veterans' Memorial Park During the 2011 Fiesta La Ballona.

Mayor O'Leary invited public comment.

There was no response.

Councilmember Cooper recused himself from this item and left the dais.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R072 GRANTING A PERMIT TO THE CULVER CITY EXCHANGE CLUB TO CONDUCT A BEER AND WINE GARDEN IN VETERANS' MEMORIAL PARK DURING THE 2011 FIESTA LA BALLONA THAT EXTENDS THE OPERATING HOURS OF THE BEER AND WINE GARDEN BY ONE HOUR ON FRIDAY AND SATURDAY.

AYES: Councilmembers Armenta, Malsin, Weissman, O'Leary
NOES: None
ABSTAIN: Councilmember Cooper
ABSENT: None

Councilmember Cooper returned to the dais.

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July 25, 2011

Item A-2

Discussion and Direction Regarding a Recommendation to Place a Ballot Measure on the April 10, 2012 Ballot to Increase the City's Transient Occupancy Tax Rate from 12% to 14%.

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record.

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Steven Rose, Culver City Chamber of Commerce, noted the absence of hotel representatives at this meeting; asserted that travel and tourism was leading the economic recovery; and suggested that representatives discuss the issues with staff and the City Council.

Discussion ensued between the City Council and staff regarding the Economic Development Subcommittee; utilizing an ad hoc committee; and clarification that adding an ad hoc committee require an agenda discussion.

Alice Prasad, Associate Analyst, read written comments submitted by:

Vicki Daly Redholtz

At this time, the following motion was made:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DIRECT STAFF TO BRING BACK THE NECESSARY ITEMS FOR CITY COUNCIL ACTION IN ORDER TO PLACE A MEASURE ON THE APRIL 10, 2012 BALLOT TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX RATE FROM 12% TO 14%; AND
2. DIRECT STAFF TO RETURN TO THE CITY COUNCIL WITH APPROPRIATE RESOLUTIONS INCLUDING AN ITEM TO FORM AN AD HOC COMMITTEE FOR THIS PURPOSE.

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July 25, 2011

Public Comment for Items Not on the Agenda - continued.

Mayor O'Leary invited public participation.

There was no response.

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Items from the City Council

Items Presented by Councilmember Armenta:

- Inquired about a past request for formation of an ad hoc committee regarding the study of a potential motion picture museum in Culver City.
- Discussed neighborhood issues with the Helms Bakery Food Festival held on July 15, 2011.

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Items Presented by Councilmember Weissman:

- Commended the Culver City Employees Association (CCEA) for their support of the MOU in Consent Calendar item C-8.

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Items Presented by Mayor O'Leary:

- Echoed Councilmember Weissman's comments commending the CCEA.

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July 25, 2011

Adjournment

There being no further business, at 9:18 p.m., the City Council adjourned its meeting to a meeting to be held on August 8, 2011.

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Ela Valladares

DEPUTY CITY CLERK of the City of Culver City, California
EX-OFFICIO CLERK of the City Council, City of Culver City,
California

APPROVED August 22, 2011



MICHEÁL O'LEARY
MAYOR of the City of Culver City, California