THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

October 24, 2011
5:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:00 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 item:

CS-1 Conference with Labor Negotiators
City designated representatives: City Manager John Nachbar; Director of Human Resources Serena Wright
Employee Organization: Culver City Employees Association; Culver City Management Group; Culver City Police Officers Association; Culver City Fire Fighters Association; Culver City Police Management Group; Culver City Fire Management Association
Pursuant to Government Code Section 54957.6

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Recess

The City Council recessed to Closed Session at 5:00 p.m.

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Reconvene

The City Council reconvened its meeting at 6:07 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 Nicholas Tempeguin.

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Closed Session Report

Mayor O'Leary indicated there was nothing to report out of Closed Session.

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Joint Public Comment – Items Not on the Agenda

Mayor O'Leary invited public comment.

There was no response.

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

Max Stodel

Mayor O'Leary requested that staff look into Mr. Stodel's comments.

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Community Announcements

Mayor O'Leary announced SpeakEasy on November 9, 2011 at the Culver Events Center as part of Pacific Standard Time.

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Receipt and Filing of Correspondence

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

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Joint Consent Calendar

Item JC-1

Approval of a Short-term Loan from the City of Culver City to the Redevelopment Agency to Address Temporary Cash Flow Needs.

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

1. APPROVE A SHORT-TERM LOAN TO THE CULVER CITY REDEVELOPMENT AGENCY IN A PRINCIPAL AMOUNT UP TO $12,500,000 WITH INTEREST EQUAL TO THE LOCAL AGENCY INVESTMENT FUND, WITH PRINCIPAL AND INTEREST TO BE REPAID IN FULL BY DECEMBER 29, 2011; AND,

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY; AND,

4. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO DRAW DOWN FUNDS FROM THE LOAN AS NECESSARY.

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Consent Calendar

Mayor O’Leary received clarification regarding a simple error in the staff report for Item C-3 which was to be corrected, and the Santa Monica Bay restoration grant in Item C-5.

Regarding Item C-8, Councilmember Malsin received additional information regarding justification for the purchase of the Escape Hybrid and Mayor O’Leary received clarification regarding fuel costs for CNG buses.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE ITEMS C-1 THROUGH C-10.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 26, 2011 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR OCTOBER 1, 2011 – OCTOBER 14, 2011.

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Item C-3

Award of a Contract to Duncan Solutions, Inc., for the Purchase of 13 Pay-by-Space Multi-Space Parking Meter Stations for the Sepulveda Boulevard Area Improvement Plan area and One Pay-by-Space Multi-Space Parking Meter Station for the Public Parking Lot Adjacent to A-Frame Restaurant on West Washington Blvd.

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO DUNCAN SOLUTIONS, INC., FOR THE PURCHASE OF 14 PAY-BY-SPACE MULTI-SPACE PARKING METER STATIONS, IN AN AMOUNT NOT TO EXCEED $186,325.55 (13 PAY-BY-SPACE STATIONS TO BE FUNDED FROM ACCOUNT #48692940, IN THE AMOUNT OF $170,000.00; AND 1 PAY-BY-SPACE STATION TO BE FUNDED FROM ACCOUNT #48695100, IN THE AMOUNT OF $16,325.55); AND,

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-4

(1) Accept Work Performed by All American Asphalt; (2) Authorize the Filing of a Notice of Completion; (3) Authorize Release of the Retention Payment after the Expiration of the 35-Day Lien Period, and (4) Related Budget Amendment.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, ALL AMERICAN ASPHALT, FOR THE 2011 PAVEMENT OVERLAY PROJECT, P-863, P-903; AND,

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE FOR RECORDATION, AND,

3. AUTHORIZE THE RELEASE OF $116,524 IN RETENTION FUNDS TO ALL AMERICAN ASPHALT FOLLOWING THE EXPIRATION OF THE THIRTY-FIVE DAY LIEN PERIOD.

4. APPROVE A BUDGET AMENDMENT TO APPROPRIATE $23,000 FROM THE PLAYA VISTA TRAFFIC MITIGATION FUNDS/SUNKIST PARK NEIGHBORHOOD ACCOUNT 420.212260 TO ACCOUNT NUMBER 42000863 (A BUDGET AMENDMENT REQUIRES A FOUR-FIFTHS VOTE).

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Item C-5

Approval of the Final Plans and Specifications and Authorization to Advertise for Bids for the Transfer Station and Public Services Building Rain Garden Improvement Project.

THAT THE CITY COUNCIL:

1. APPROVE THE PLANS AND SPECIFICATIONS FOR THE TRANSFER STATION AND PUBLIC SERVICES BUILDING RAIN GARDEN IMPROVEMENT PROJECT; AND

2. AUTHORIZE ADVERTISING FOR BIDS FOR THE TRANSFER STATION AND PUBLIC SERVICES BUILDING RAIN GARDEN IMPROVEMENT PROJECT.

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Item C-6

Adoption of a Resolution Approving an Encroachment Agreement with AboveNet, Inc. for Use of the Public Right-of-Way along Ince Boulevard and Washington Boulevard.

THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R084 APPROVING THE ENCROACHMENT AGREEMENT WITH ABOVENET;

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-7

Authorization to Release Notice Inviting Bids for Lighting Upgrade Project at City Hall and Cardiff Parking Structures under the Federal Department of Energy’s Energy Efficiency & Conservation Block Grant program (American Recovery and Reinvestment Act {Stimulus} Funding).

THAT THE CITY COUNCIL AUTHORIZE THE RELEASE OF A NOTICE INVITING BIDS FOR THE LIGHTING UPGRADE PROJECT AT CITY HALL AND CARDIFF PARKING STRUCTURES UNDER THE DEPARTMENT OF ENERGY’S ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT (AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING).

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Item C-8

Authorize the Purchase of a Scout Truck (Amrep), Escape Hybrid (South Bay Ford), and Sanitation Rear Loader (Vehicles as Part of a Multi-Family Recycling Grant Program.

THAT THE CITY COUNCIL:

1. WITH RESPECT TO THE PURCHASE OF THE SCOUT TRUCK, DETERMINE THAT CONFORMANCE WITH THE COMPETITIVE BIDDING PROCEDURES WOULD BE CONTRARY TO THE BEST INTERESTS OF THE CITY AND WAIVE THE FORMAL BID REQUIREMENTS PER CCMC SECTION 3.07.075(E)(3); AND,

2. AUTHORIZE THE PURCHASE OF A SCOUT TRUCK VEHICLE FROM AMREP IN AN AMOUNT NOT TO EXCEED $33,730.99; AND,

3. AUTHORIZE THE PURCHASE OF A SANITATION REAR LOADER VEHICLE IN AN AMOUNT NOT TO EXCEED $261,543.75; AND,

4. AUTHORIZE THE PURCHASE OF AN ESCAPE HYBRID VEHICLE FROM SOUTH BAY FORD IN AN AMOUNT NOT TO EXCEED $31,416.29; AND,

5. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

6. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-9

Adoption of a Resolution Approving Two Encroachment Agreements with Time Warner Communications for Use of the Public Rights-of-Way on Jefferson Boulevard and on Green Valley Circle.

THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R085 APPROVING TWO ENCROACHMENT AGREEMENTS WITH TIME WARNER COMMUNICATIONS;

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-10

Acceptance of a Grant from the State of California in the Amount of $20,000 and Appropriation of Such Grant Funds to Purchase Equipment and Supplies for Hazardous Materials Program Changes to Comply with New State Requirements.

THAT THE CITY COUNCIL:

1. APPROVE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $20,000 FROM THE STATE OF CALIFORNIA FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES FOR THE MODIFICATION AND IMPLEMENTATION OF ELECTRONIC HAZARDOUS MATERIALS REPORTING PROGRAM; AND,

2. APPROVE A BUDGET AMENDMENT TO APPROPRIATE GRANT REVENUE AND EXPENDITURES, IN THE AMOUNT OF $20,000, TO FUND 423 – OPERATING GRANTS (A BUDGET AMENDMENT REQUIRES A FOUR-FIFTHS VOTE); AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Order of the Agenda

No changes were made at this time.

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Public Hearing

Item PH-1

Adoption of a Resolution Establishing Community Benefits for the Proposed Washington/Marcasel Residential and Retail Mixed Use Development.

Sol Blumenfeld, Community Development Director, provided a summary of the material of record.

Discussion ensued between the City Council and staff regarding maintenance costs.

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

Mayor O’Leary invited public participation.

The following members of the audience addressed the City Council:

John Lynch expressed concern with effects to residents on the border of Los Angeles; traffic; benefits to Culver City but not to surrounding neighbors; and he expressed concern with dense population at Washington Boulevard and Marcasel Avenue.

Jeanette Vossburg noted that her property was included in the benefit district; received clarification that there were no financial benefits to her or any of the neighbors; she expressed opposition to the increase in the number of units; and she questioned why her property was included in the district when those across the street are not.

Sol Blumenfeld, Community Development Director, clarified that the identified area would be eligible to be part of the AIP program; he discussed developer improvements and maintenance of the area; he added that the developer was proposing nine additional units for a total of 30 units; he discussed material benefits to people in the area; he clarified that the item was not a hearing about the entitlement but rather to describe what community benefit is desired by the City Council; and he discussed the feasibility of various community benefits.

Public comment continued:

Christopher McKinnon noted that the neighbors wanted to see the lowest height possible; questioned whether widening northbound Inglewood Boulevard could be part of the streetscape improvement; and he discussed preserving the right of way at Marcasel Avenue.

Mike Cannon asserted that a 3-4 story development was not needed at the intersection; he expressed concern with traffic and parking issues; and he discussed impacts to their historic neighborhood.

Mayor O’Leary encouraged the speaker to return to the Planning Commission hearing to share his concerns.

Discussion ensued between the City Council and staff regarding the process; community benefits and the entitlement process; clarification that the item would have no bearing on the Planning Commission decision; clarification that the project complies with the mixed-use ordinance; types of parking spaces; landscaped medians; being respectful of Los Angeles neighborhoods; facilitating a permit parking district; issues with split jurisdiction; an initial parking study; residential use versus business use; Mar Vista Community Council hearings on the project; the process; revision of the mixed use ordinance; concern with making the benefit decision before the entitlement process; community meetings and outcome; whether the City Council could reconsider the streetscape improvement benefit later if something better or different is presented; ramifications of the Planning Commission decision; background on the project; and concern with the process and information provided.

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

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER WEISSMAN, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R086 ESTABLISHING THE COMMUNITY BENEFIT(S) RELATED TO THE WASHINGTON/MARCASEL RESIDENTIAL AND RETAIL MIXED USE DEVELOPMENT.

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

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Action Items

Item A-1

Adoption of Resolutions (1) Calling for the Holding of a General Municipal Election to be Held on Tuesday, April 10, 2012 for the Election of Certain Officers as Required by the City Charter of the City of Culver City and for Submission to the Voters a Question Relating to Increasing the City's Transient Occupancy Tax from 12% to 14%; (2) Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Related to the Conduct of said Election; and (3) Approving the Argument in Favor of the Question and Authorizing the City Council and/or Certain Council Members to Submit the Argument in Favor and Rebuttal Argument (if any) Regarding the Question.

Mayor O'Leary invited public participation.

There was no response.

Discussion ensued between the City Council and staff regarding signatories to the arguments; community organizations; the Mayor's signature; and past practices.

Councilmember Malsin proposed approving the resolution and requested that language be included stating the Mayor and Vice Mayor are authorized to submit a rebuttal argument, if necessary; and that the Mayor and Vice Mayor are authorized to contact organizations of the nature used in the past to see if they would sign on as signatories to the primary argument. If other organizations are to be signatories to the primary argument, the Mayor would sign on behalf of the City Council and if there no other organizations as signatories, then the five Councilmembers would be the five signatories.

Martin Cole, Assistant City Manager/City Clerk, indicated that staff would amend the resolution to reflect those comments if adopted by the City Council; he discussed the process if there are fewer than five signatories; the process for using outside organizations to sign the argument for; and establishing a subcommittee to consider arguments.

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R087 CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 10, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE CITY CHARTER OF THE CITY OF CULVER CITY AND FOR SUBMISSION TO THE VOTERS A QUESTION RELATING TO INCREASING THE CITY'S TRANSIENT OCCUPANCY (HOTEL) TAX (TOT) FROM THE CURRENT 12% TO 14%; AND,

2. ADOPT RESOLUTION NO. 2011-R088 REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION; AND,

3. ADOPT RESOLUTION NO. 2011-R089 APPROVING THE ARGUMENT IN FAVOR OF THE QUESTION AND AUTHORIZING THE CITY COUNCIL AND/OR CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS AND REBUTTALS REGARDING THE BALLOT QUESTION.

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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

No action was taken on this item.

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Adjournment

There being no further business, at 7:16 p.m., the City Council adjourned its meeting to a Regular Meeting on October 24, 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 ______________________________________

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