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UNTIL APPROVED BY THE
CITY COUNCIL

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

May 2, 2011
6:00 p.m.

**Call to Order & Roll Call**

The meeting of the City Council was called to order at 6:00 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 items:

**CS-1** Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – One Case
Pursuant of Government Code Section 54956.9(c)

**CS-2** Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(b)(1)

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**Recess**

The City Council recessed to Closed Session at 6:00 p.m.

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**Reconvene**

The City Council reconvened its meeting at 7:11 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 Mike Snell.

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**Presentations**

Item P-1

**A Proclamation Declaring May 2011 as Historic Preservation Month.**

Councilmember Malsin read the proclamation in its entirety.

Stu Freeman, representing the Culver City Historical Society, thanked the City Council for the proclamation.

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Item P-2

**A Proclamation Declaring May 2011 as Older Americans Month.**

Councilmember Weissman read the proclamation in its entirety.

Kay Hyman, representing the Senior Center of Culver City, thanked the City Council for the proclamation and encouraged everyone to visit the Senior Center.

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Item P-3

**A Proclamation Declaring May 7, 2011 as Fire Service Day**

Mayor O'Leary read the proclamation in its entirety.

Fire Chief Chris Sellers thanked the City for the proclamation and encouraged everyone to visit the Fire Station.

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**Update from Southern California Edison Company.**

Mark Olson, Southern California Edison, provided a brief update on Southern California Edison programs.

Councilmember Malsin discussed the City's work with Edison.

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**Adjourn in Memory**

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF URSULA VERA, WIDOW OF FORMER MAYOR AND COUNCILMEMBER ALBERT VERA.

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**Public Comment – Items Not on the Agenda.**

Councilmember Malsin invited public comment.

The following members of the audience addressed the City Council:

Fred Yglesias thanked the City Council for the get well cards he received after his operation and he congratulated Mayor O'Leary on becoming Mayor.

Terry Silberman voiced concern about the structure being built at 4213 Vinton Avenue; she questioned why the permit was granted and why the construction was being allowed to continue when zoning allegedly does not allow for that; she discussed the size of the structure and lack of a kitchen; and she asked that the City Council not allow these actions to continue.

Lyndon Stambler echoed comments of the previous speaker; provided background on the project; discussed impacts to his family and property value; and he asked the City Council to enforce zoning.

Meghan Sahli Wells expressed condolences to the Vera family; announced a community meeting at the Linwood Howe Elementary School Library regarding the "Safe Routes to School Plan" on May 3, 2011; the monthly meeting of the Democratic Club on May 11, 2011; she indicated that May was National Bike month; and she noted that National Bike Week was May 16-20 and the Culver City Bicycle Coalition would be sponsoring "Bike from Work Night" on May 19, 2011.

Cary Anderson expressed sadness at the passing of Ursula Vera and he expressed is opinion regarding the killing of Osama Bin Laden.

At this time, Sol Blumenfeld, Community Development Director, provided an update on the City investigation of concerns relative to the addition constructed on Vinton Avenue; he indicated that the permit was lawfully issued and that the building height had been confirmed; he noted that a report would be provided to the City Council; he clarified that the ability to build in this manner is allowed in the zoning ordinance; he suggested that future Council City action could be taken to affect additional developments of this kind; and he reported that it would be illegal for the City to stop the project.

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**Public Hearing**

Item PH-1

**Adoption by Reference of the 2010 California Building Code and Consideration of a Resolution Adopting Exceptions Thereto (Request to Continue Public Hearing to May 23, 2011).**

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONTINUE THIS PUBLIC HEARING TO MONDAY, MAY 23, 2011 AT 7:00 P.M.

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**Consent Calendar**

Councilmember Malsin invited public comment for Consent Calendar Item C-1 [Authorization to Award a Contract to New Flyer of America for the Purchase of Twenty (20) Advanced Design, Heavy-Duty, Low Floor Compressed Natural Gas (CNG) Powered Forty-Foot Transit Buses and Optional Equipment in the Amount not to Exceed $11,107,950].

The following member of the audience addressed the City Council:

Ben Verheiden, West Los Angeles College student, distributed handouts to the City Council; expressed concern that the possible elimination of a bus stop on campus could affect compliance with the Americans With Disabilities Act; and he expressed concern that the bus builder and fuel source might not be the best choice for the City.

Discussion ensued between the City Council and staff regarding parts and where the bus was being manufactured; efforts to purchase buses mostly made in America; compliance with the Buy America Provision; New Flyer brand versus Navi brand; clarification regarding bus service at West Los Angeles College; and what happens to buses that are no longer in service.

Councilmember Malsin invited public comment regarding Consent Calendar Item C-5 [Approval of Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for Sewer Main Lining Rehabilitation Project (Phase II), P-906].

The following member of the audience addressed the City Council:

Meghan Sahli Wells read a comment from John Flynn regarding issues with work done by City contractors and requesting that the City carefully examine the work of the last contractor to work on City sewer lines and to hire the next contractor not only on the basis of cost but also of quality.

Councilmember Malsin highlighted the positive programs and projects moving forward in the City with natural gas buses; the El Marino Playground rehabilitation project; a substantial pavement renovation project throughout the City; sewer relining, and the contract for the traffic signal at Washington Boulevard and McLaughlin.

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-8.

Item C-1

**Authorization to Award a Contract to New Flyer of America for the Purchase of Twenty (20) Advanced Design, Heavy-Duty, Low Floor Compressed Natural Gas (CNG) Powered Forty-Foot Transit Buses and Optional Equipment in the Amount not to Exceed $11,107,950.**

THAT THE CITY COUNCIL:

1. AUTHORIZE THE PURCHASING OFFICER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF $11,107,950.00 TO NEW FLYER OF AMERICA INCORPORATED, FOR THE ACQUISITION OF TWENTY (20) NEW AND UNUSED CNG POWERED FORTY-FOOT (40') LOW FLOOR HEAVY DUTY ADVANCED DESIGN TRANSIT BUSES AND OPTIONAL EQUIPMENT; 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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May 2, 2011

Item C-2

**Award of a Contract to Creative Nile Builders, as the Lowest Responsive and Responsible Bidder, for the Construction of the El Marino Park Playground Rehabilitation Project, P-899.**

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO CREATIVE NILE BUILDERS, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE EL MARINO PARK PLAYGROUND REHABILITATION PROJECT, P-899, IN THE AMOUNT OF $41,150.00, BASED ON ITS BASE BID; AND,

2. AUTHORIZE THE PARKS DIVISION MANAGER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED $4,115.00, IF NECESSARY; 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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May 2, 2011

<u>Item C-3</u>

**Award of a Contract to All American Asphalt, as the Lowest Responsive and Responsible Bidder, for the Construction of the 2011 Pavement Overlay Project, P-863, P-903.**

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO ALL AMERICAN ASPHALT, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE 2011 PAVEMENT OVERLAY PROJECT, P-863, P-903, IN THE AMOUNT OF $947,000.00, BASED ON ITS BASE BID;

2. AUTHORIZE AN INCREASE OF THE CONSTRUCTION CONTRACT WITH ALL AMERICAN ASPHALT IN AN AMOUNT NOT TO EXCEED $236,750.00 (25% OF BASE BID) FOR ADDITIONAL STREET RESURFACING;

3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT-TO-EXCEED $122,375.00, IF NECESSARY;

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

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

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Item C-4

**Award of Construction Contract to ACCO Engineered Systems as the Lowest Responsive and Responsible Bidder for the Replacement of Boiler and Chiller at the Veterans Memorial Building, P-132.**

THAT THE CITY COUNCIL:

1. AWARD A CONSTRUCTION CONTRACT TO ACCO ENGINEERED SYSTEMS AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN THE AMOUNT OF $186,351.00 TO REPLACE THE BOILER AND CHILLER AT THE VETERANS MEMORIAL BUILDINGMB; AND,

2. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO APPROVE CHANGE ORDERS TOTALING A NOT-TO-EXCEED AMOUNT OF $37,400.00, DUE TO UNFORESEEN CONDITIONS;

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-5

**Approval of Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for Sewer Main Lining Rehabilitation Project (Phase II), P-906.**

THAT THE CITY COUNCIL APPROVE THE FINAL PLANS AND SPECIFICATIONS AND AUTHORIZE PUBLICATION OF A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE SEWER MAIN LINING REHABILITATION PROJECT (PHASE II), P-906.

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Item C-6

**(1) Acceptance of Work Performed by Steiny and Company, Inc., and (2) Authorization to File a Notice of Completion, and (3) Approval of a Related Construction Contract Amendment, and (4) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period, for the Washington Boulevard Traffic Signal Improvement Project, P-909.**

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY STEINY AND COMPANY, INC. FOR THE CONSTRUCTION OF WASHINGTON BOULEVARD TRAFFIC SIGNAL IMPROVEMENT PROJECT, P-909;

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;

3. APPROVE THE FINAL CONSTRUCTION CONTRACT AMOUNT OF $223,152.25; AND

4. AUTHORIZE THE CITY MANAGER TO RELEASE $22,315.23 IN RETENTION TO STEINY AND COMPANY, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-7

**Reject Bids for the Veterans Memorial Park Facilities' Americans with Disabilities Act Door Improvement Project (Community Development Block Grant Project #601317-10) and Authorize Staff to Re-Solicit Bids for the Project.**

THAT THE CITY COUNCIL:

1. REJECT THE BIDS FOR THE VETERANS MEMORIAL PARK FACILITIES AMERICANS WITH DISABILITIES ACT DOOR (ADA) IMPROVEMENT PROJECT (CDBG PROJECT #601317-10); AND

2. AUTHORIZE STAFF TO RE-SOLICIT BIDS FOR THE PROJECT.

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Item C-8

**Approval of an Encroachment Permit Agreement with The L.T.D. Group, LLC for (1) Use of the Public Right-of-Way Along Ocean Avenue (Adjacent to 5000 Overland Avenue) for Public Parking and (2) City's Agreement to Process a Future Application for Vacation of such Public Right-of-Way.**

THAT THE CITY COUNCIL:

1. APPROVE THE PROPOSED ENCROACHMENT PERMIT AGREEMENT WITH THE L.T.D. GROUP, LLC FOR (1) USE OF THE PUBLIC RIGHT-OF-WAY ALONG OCEAN AVENUE (ADJACENT TO 5000 OVERLAND AVENUE) FOR PUBLIC PARKING AND (2) CITY'S AGREEMENT TO PROCESS A FUTURE APPLICATION FOR VACATION OF SUCH PUBLIC RIGHT-OF-WAY; 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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**Joint Items**

Item J-1

**Walker Study Implementation Report 1 - Consideration of Parking Fee Increases for Downtown Public Parking Facilities.**

Staff presented a summary of the material of record.

Discussion ensued between the City Council and staff regarding implementation reports and implementation action.

Councilmember Malsin invited public participation.

The following members of the audience addressed the City Council:

Kevin Lachoff, Culver City Chamber of Commerce, felt the limited funds should benefit as many businesses in the City as possible for as long as possible and he expressed support for the staff recommendation.

Patrick Perry, Oliver MacMillan, discussed correspondence provided to the City Council regarding concerns with recommendations in the staff report and he requested that action not be taken to afford the chance for further dialogue with City staff.

Cary Anderson presented and discussed a book entitled *The High Cost of Free Parking;* he did not support raising the cost of parking for employees or trying to get more people to park at the Ince parking structure; he discussed enforcement; he suggested that money raised be put back into developing the downtown area; and he felt that all the parking items should be considered together as they are all interconnected.

Meghan Sahli Wells felt the Walker Parking Study was a good document but she did not support instituting fees for the free lots; she felt employee parking rates should not be raised; she noted opposition to the elimination of free parking by the Downtown Business Association and the Downtown Neighborhood Association; she discussed infrastructure improvements and signage to indicate available parking spaces; and she expressed concern that impacts to downtown businesses were examined but impacts to residential areas were not.

Steven Rose wanted to see all businesses treated the same on all days and he did not want to see the Farmers Market subsidized.

Andrew Makishima, Pacific Theaters, voiced opposition to the proposed parking rate increases and changes to theatre validations; he discussed parking policies for other area theatres; and he felt any adverse impacts on the theatre would also affect the downtown area.

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

Douglas Newton
Linda Levinson

At this time, Steffen Turoff, Walker Parking, clarified that their goal was to even out demand by evening out the pricing.

Discussion ensued between the City Council and staff regarding a comprehensive look at downtown parking; enforcement; a breakdown of monthly parking permits for the Watseka, Cardiff and Ince parking structures; incentivizing people to get off the street and into the structures; revenues; modifying behavior; making the Ince parking structure a more attractive destination; the option to retain one hour of no cost parking; the expanded scope of the Walker Parking Study; competitiveness of the downtown area; evaluations of each phase and impacts to downtown businesses; managing a resource for the benefit of residents and the business community; and input from the business community.

Discussion continued regarding revenue growth; monitoring occupancy rates and peak usages; monthly usage versus hourly usage; signage; maintaining free parking; consideration of expert opinion; the increase to the employee parking rate; current revenues; maintenance costs; capital improvements; increasing efficiency; concern with a potential deficit; feasibility of a specific enforcement program for residential areas; tracking sales taxes; affects to Trader Joe’s; discussions with Oliver McMillan; and special needs of the movie theatre.

Further discussion ensued regarding one hour free parking versus two hour free parking; reducing rates for the Ince parking structure; the percentage of parking paid by employers; leaving the Ince parking structure with two hours free and charging one dollar for the first two hours at the Cardiff and Watseka parking structures; feasibility of validated parking for the first three hours for theatre goers; addressing revenue issues versus efficiency issues; the importance of paying for capital upkeep; the impact of the opening of the Expo Line; the option of undoing the changes if impacts are negative; and enforcement revenue as a byproduct to cover costs.

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**Action Items**

Item A-1

**1) Approval of a Policy that there be no Special Parking Enforcement on the Day of the Annual Car Show Downtown, and that the Only Parking Enforcement that Occur be on those Streets that have Existing Permit or Time Limit Parking Restrictions.**

Charles Herbertson, Public Works Director/City Engineer, provided a summary of the material of record.

Gabe Garcia, Traffic Engineering Manager, noted that the item was in line with desires expressed by the City Council at the meeting of March 14, 2011.

Councilmember Malsin invited public participation.

The following members of the audience addressed the City Council:

Laura Stuart, Jay Shery, and Mike Snell, representing the Car Show Committee, expressed support for the staff recommendation.

Cary Anderson noted that car show parking signage used in the past was not legally binding; he discussed parking passes and their distribution; accountability; full parking structures versus convenience; and he expressed concern that nothing would change from previous years.

Meghan Sahli Wells discussed benefits of the Car Show to the community; parking enforcement issues; and she asked that extra effort be taken to ensure respect for residents.

Item A-1
(continued)

Discussion ensued between the City Council and staff regarding regular patrols versus concentrated enforcement; focusing on permitted areas; different types of infractions; help for those residents who are not in permitted areas; concern with fairness to residents; acknowledgement of previous issues; support for additional enforcement; comparisons with Fiesta La Ballona; and neighborhood representation.

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE A POLICY THAT THERE BE NO SPECIAL PARKING ENFORCEMENT ON THE DAY OF THE ANNUAL CAR SHOW DOWNTOWN AND THAT THE ONLY PARKING ENFORCEMENT THAT WILL OCCUR WILL BE ON THOSE STREETS THAT HAVE EXISTING PERMIT OR TIME LIMIT PARKING RESTRICTIONS.

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Item A-2

**Approval of a Fee Waiver Requested by THINK LIKE A MAN Feature Film Related to Film Location Fees.**

John Nachbar, City Manager, provided a summary of the material of record.

Discussion ensued between the City Council and staff regarding possible benefits to the City; locations proposed for usage; concerns with tying up residential streets; concern with setting a precedent; findings in the staff report that make this project unique; the ability to halt production if issues arise; clarification that the fee waiver would not affect the regular permitting process and the production would still pay associated fees; residential feedback; and concern with fairness.

Item A-2
(continued)

Further discussion ensued regarding the importance of clarifying that normal permitting procedures should be followed, that this is being done on a case by case basis, and in the spirit of the findings made regarding the previous resolution on productions; an assertion that the sales tax revenue generated from the production would not make up for the loss in fees; justifying the waiver if the City can get promotional benefit out of it; the value of product placement; agreement contingent upon promotional placement; the difficulty of measuring the economic impact; communicating the importance of using local vendors to the production company; and the importance of keeping film production in Southern California.

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE A FEE WAIVER FOR LOCATION FEES AS REQUESTED BY THINK LIKE A MAN.

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Item A-3

**Adoption of a Resolution Authorizing the City to Participate in the Community Energy Partnership.**

Helen Kerstein, Management Analyst, provided a summary of the material of record.

Mark Olson, Southern California Edison, provided a presentation on the Energy Leaders Partnership program.

Laurel Rothschild, Energy Coalition, highlighted benefits of the program.

Councilmember Malsin invited public participation.

There was no response.

Discussion ensued between the City Council and staff regarding presentations heard by the Sustainability Committee; support for the program; energy efficiency; reducing utility user taxes; and the amount of staff time involved.

MOVED BY COUNCILMEMBER COOPER, SECONDED BY MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R024 AUTHORIZING THE CITY TO PARTICIPATE IN THE COMMUNITY ENERGY PARTNERSHIP.

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**Public Comment for Items Not on the Agenda – continued.**

Councilmember Malsin invited public participation.

There was no response.

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**Receipt of Correspondence**

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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**Items from Staff**

No action was taken on this item.

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**Items from the City Council**

**Items Presented by Councilmember Weissman:**

- Inquired when the new agenda format would be implemented.

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**Items Presented by Councilmember Cooper:**

- Encouraged everyone to attend Fire Service Day on May 7, 2011.

- Extended condolences to the Vera Family.

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**Items Presented by Councilmember Malsin:**

- Announced the "Education Foundation Tribute to the Stars" at Sony Studios on May 6, 2011.

- Received consensus to consider a permit parking district for three small streets between Washington Boulevard and Washington Place, west of Centinela Avenue.

- Received consensus to consider granting a density bonus to mobile home property owners.

  Discussion ensued among the City Council resulting in consensus to agendize a discussion of why the Mobile Home Park ordinance is needed.

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**Adjournment**

There being no further business, at 9:58 p.m., the City Council adjourned its meeting in memory of Ursula Vera, widow of former Mayor and Councilmember Albert Vera, to a meeting to be held on May 9, 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 ____________________________________

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