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UNTIL APPROVED BY
THE CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

April 8, 2016
1:00 p.m.

Call to Order & Roll Call

Vice Mayor Weissman called the meeting of the City Council to order at 1:05 p.m. in the Mike Balkman Chambers at City Hall.

Present: Micheál O'Leary, Mayor*
Andrew Weissman, Vice Mayor
Jim B. Clarke, Council Member
Jeffrey Cooper, Council Member
Meghan Sahli-Wells, Council Member

*Mayor O'Leary arrived at 1:11 p.m.

Carol Schwab, City Attorney, requested that the City Council consider adding an item to Closed Session that arose after the posting of the agenda pursuant to Government Code Section 54954.2 (b)(2) upon the determination of a two-thirds vote by the City Council, the item to be added is:

Conference with Legal Counsel - Existing Litigation
Alliance for a Regional Solution to Airport Congestion vs.
the City of Los Angeles, et. al.
Pursuant to Government Code Section 54956.9(d)(1).

MOVED BY COUNCIL MEMBER CLARKE AND SECONDED BY COUNCIL MEMBER COOPER THAT THE CITY COUNCIL ADD AN ITEM TO THE CLOSED SESSION AGENDA THAT AROSE AFTER THE POSTING OF THE AGENDA PURSUANT TO GOVERNMENT CODE SECTION 54954.2 (B)(2) AS REFERENCED ABOVE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, SAHLI-WELLS, WEISSMAN
NOES: NONE
ABSENT: O'LEARY

Martin Cole, Assistant City Manager/City Clerk, indicated that the item had passed by the required two-thirds vote and was, thereby, added to the agenda.

Vice Mayor Weissman invited public comment for Closed Session items.

The following member of the audience addressed the City Council:

Les Greenberg discussed the Brown Act; the ability of the City to reconsider an item; he asserted that per the 2013 Parking Procedures, only the City Engineer had the authority to modify parking conditions on Farragut; he discussed the modification of the long-standing parking restrictions on Farragut in the context of a parking study; the authority of the City Council to change parking laws; the fact that the agenda did not reflect that the City was going to change the law and how it would be changed; he expressed concern with adequate disclosure; adequate notice; litigation costs; and he asked that the item be re-noticed and reconsidered.

Mayor O'Leary arrived 1:11 p.m.

MOVED BY COUNCIL MEMBER COOPER, SECONDED BY COUNCIL MEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECESS TO CLOSED SESSION.

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Closed Session

The City Council recessed to Closed Session to consider the following items:

CS-1 CC - Conference with Legal Counsel - Anticipated Litigation (One Matter Related to a Cure and Correct Letter Submitted by Les Greenberg, Alleging a Brown Act Violation Pertaining to City Council's Action on Item A-2 at its March 14, 2016 City Council Meeting, Regarding the Permit Parking District Located at the 10700 Block of Farragut Drive) Pursuant to Government Code Section 54956.9(d)(2) and (e)(2)

CS-2 CC - Conference with Legal Counsel - Existing Litigation Alliance for a Regional Solution to Airport Congestion vs. the City of Los Angeles, et. al., Pursuant to Government Code Section 54956.9(d)(1)

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Reconvene

Mayor O'Leary reconvened the City Council at 1:50 p.m. with all Members present.

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Report on Action Taken in Closed Session

Mayor O'Leary reported that regarding item CS-1, the City Council had directed the City Attorney to prepare a letter of response to Mr. Greenberg indicating that no Brown Act violation had occurred and, therefore, there is no need to cure and correct.

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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 Jim Suhr.

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**Community Announcements by City Council Members/
Information Items from Staff**

None.

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Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

No cards were received and no speakers came forward.

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Receipt and Filing of Correspondence

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

Martin Cole, Assistant City Manager/City Clerk, reported that correspondence received by the City Clerk's Office related to item A-1 had been made part of the record of the meeting.

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Action Items

Item A-1

Approval of an Eleventh Implementation Agreement to the Disposition and Development Agreement (DDA) with Axis-Mundi Re II, LLC for the Mixed-Use Development Project at 12803-12823 Washington Boulevard, to (1) Modify the Scope of Development to Allow a Mixed-Use Residential Project in Place of the Mixed-Use Office Project; (2) Allow the Application of the Density Bonus Provisions in both the City's Mixed-Use Ordinance and the State Density Bonus Law (SB1818) for the Construction of a Total of 37 Residential Units, Including Three Very Low Income Affordable Housing Units; and (3) Allow Subsurface Encroachments Beneath the Sidewalks on Washington Boulevard, and Moore and Meier Street

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

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Stephen Gourley expressed concern with noticing for the meeting; concern with the fact that the City Council meeting was being held during the middle of the day on a Friday; concern that the meeting was being held one meeting before the composition of the City Council was going to change; concern that many people are on spring break; he observed that even if the deal is well intentioned, it looks bad; he reported that the agenda report was not available earlier; and he felt that Planning Commission consideration of the item was necessary.

Martin Cole, Assistant City Manager/City Clerk, clarified that no vote had been taken on item A-1 yet.

Discussion ensued between staff and Council Members regarding entitlement hearings that go forward with the project; clarification that the Planning Commission is not authorized to act on an implementation agreement of this kind; the intent to address the developer request to act on the issue in a timely manner; combining community benefits and SB1818 as part of a housing project; developer concern that the project needs to go forward; at least two other hearings on the proposed project would be held; community meetings; public input; the content of the public notice sent for the meeting which specifically mentioned the additional opportunities for public input; termination dates for previous agreements; extensions; delays resulting from the economic downturn and the demise of redevelopment; affordable units included in the project; financial conditions; approval in concept to the use of SB1818 and the density bonus provisions in the project; support for affordable housing; appreciation for the patience of the developer; and opportunities for City Council and Planning Commission consideration as well as community input.

Vice Mayor Weissman moved to approve the item.

Additional discussion ensued between staff and Council Members regarding concerns with proper notification; community meetings; combining the SB1818 bonus and the City's community benefit bonus; concern with transparency; communicating possibilities to the public; additional opportunities to consider the project; awarding bonuses without a community dialogue; community meetings; the lack of affordable housing built in the City; written comments expressing concern that affordable housing will lower property values or that not enough affordable housing is being built; the importance of a wider community dialogue; robust input; special meetings; budget hearings; transparency standards; previous implementation agreements; older methods of creating affordable housing; clarification regarding notification procedures; communication regarding the newer housing strategy; and serious consideration and planning to address concerns regarding parking, traffic and increased density in the area.

MOVED BY VICE MAYOR WEISSMAN, SECONDED BY MAYOR O'LEARY

AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE AN ELEVENTH IMPLEMENTATION AGREEMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH AXIS-MUNDI RE II, LLC FOR THE MIXED-USE DEVELOPMENT PROJECT AT 12803-12823 WASHINGTON BOULEVARD, TO (1) MODIFY THE SCOPE OF DEVELOPMENT TO ALLOW A MIXED-USE RESIDENTIAL PROJECT IN PLACE OF THE MIXED-USE RETAIL/OFFICE PROJECT; (2) ALLOW THE APPLICATION OF THE DENSITY BONUS PROVISIONS IN BOTH THE CITY'S MIXED-USE ORDINANCE AND THE STATE DENSITY BONUS LAW (SB1818) FOR THE CONSTRUCTION OF A TOTAL OF 37 RESIDENTIAL UNITS, INCLUDING THREE VERY-LOW INCOME AFFORDABLE HOUSING UNITS; AND (3) ALLOW SUBSURFACE ENCROACHMENTS BENEATH THE PUBLIC RIGHT-OF-WAY (SIDEWALKS) ON WASHINGTON BOULEVARD, AND MOORE AND MEIER STREETS; AND,
2. AUTHORIZE THE CITY ATTORNEY AND CITY SPECIAL COUNSEL 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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Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

None.

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Adjournment

There being no further business, at 2:21 p.m. the City Council adjourned its meeting.

April 8, 2016

Martin R. Cole
CITY CLERK of Culver City, California
EX-OFFICIO CLERK of the City Council
Culver City, California

MICHEÁL O'LEARY
MAYOR of Culver City, California