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UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

January 12, 2015
5:30 p.m.

**Call to Order & Roll Call**

Mayor Sahli-Wells called the meeting of the City Council to order at 5:30 p.m.

{Note from the City Clerk: Due to construction in the Mike Balkman Council Chambers, this Regular Meeting of the City Council was held in the Rotunda Room of the Veterans Memorial Building as posted on the Agenda for this Meeting.}

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

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**Closed Session**

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

**CS-1** Conference with Real Property Negotiators
Re: 9351 Culver Boulevard
Agency Negotiators: City Manager/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director Todd Tipton, Economic Development Manager and Murray Kane, City/Successor Agency Special Counsel
Other Parties Negotiators: Midnight Snack, LP, Ford's Filling Station
Under Negotiation: Price, terms of payment or both, including

use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8

**CS-2** Conference with Legal Counsel - Existing Litigation
Re: Bernous, Alice v. City of Culver City et al.
Case No. BC530546
Pursuant to Government Code Section 54957.9(d)(1)

**CS-3** Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation- (1 item)
Pursuant to Government Code Section 54957.9(d)(2)

**CS-4** Conference with Labor Negotiators
City designated representatives: City Manager John Nachbar, Director of Human Resources Serena Wright
Employee Organizations: Culver City Employees Association, Culver City Management Group, Culver City Police Officers' Association, Culver City Police Management Group, Culver City Firefighters' Association Local 1927, AFL-CIO, Culver City Fire Management Group
Pursuant to Government Code Section 54957.6

**CS-5** Conference with Legal Counsel - Existing Litigation
Re: Timothy Varney v. City of Culver City
Case Nos: ADJ613513, ADJ3797253, ADJ2252165
Pursuant to Government Code Section 54957.9(a)

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**Reconvene**

Mayor Sahli-Wells reconvened the City Council meeting at 7:25 p.m. with all Council Members present.

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**Reflection/Pledge of Allegiance**

The Reflection was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Charles Hoult.

Martin Cole, Assistant City Manager/City Clerk, discussed renovations to the Audio Visual systems in Mike Balkman

Chambers which necessitated holding City Council and Commission meetings in other venues.

Discussion ensued between Council Members and staff regarding notification of the venue change.

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**Report on Action Taken in Closed Session**

Mayor Sahli-Wells indicated nothing to report out of closed session.

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**Presentation**

Item P-1

**A Presentation to the City Council from the Representatives Who Recently Visited Culver City's Sister City of Iksan, South Korea**

This presentation was postponed to a later date when representatives could be present.

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Item P-2

**A Proclamation in Honor of Dr. Martin Luther King, Jr. Celebration Day 2015**

Mayor Sahli-Wells presented the Proclamation and thanked members of the Committee for their hard work.

Wayne Slappy, Dr. Martin Luther King Jr. Celebration Committee Chair, discussed planned events and invited everyone to attend the celebration on January 17 at the Senior Center.

Martin Cole, Assistant City Manager/City Clerk, reported that item CS-4 had not been considered in closed session.

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**Community Announcements By City Council Members/ Information Items From Staff**

Council Member Clarke asked that when the meeting is adjourned that it be adjourned in memory of David Jenett, Commander of the Culver City Disabled Americans Veterans Unit #123; and he received consensus that the City Council consider Barbara Silverstein's request to name the Skate Park in honor of Anita Shapiro.

Vice Mayor O'Leary announced the passing of Martha Sigall, and he discussed her life and accomplishments.

Mayor Sahli-Wells observed that Martha was born the same year that the City was founded and that her history was tied closely with that of the City.

Vice Mayor O'Leary discussed the Christmas Luncheon at the Senior Center, and he received consensus for a recognition at the next City Council meeting for the hotels and restaurants that put together the meal, noting that he hoped the tradition would continue in the future.

Mayor Sahli-Wells discussed the recent attacks in Paris; freedom of speech; she acknowledged the victims and their families; thanked Jonah Miller for organizing the moment of silence in Town Plaza; discussed a vigil on Sunday at Los Angeles City Hall; the passing of State Senator Holly Mitchell's mother, Sylvia Jewel Johnson; leadership and representative changes at Metro; grant money from Metro; and changes at the recent meeting of the Expo Board.

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY VICE MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF DAVID JENETT, MARTHA SIGALL, AND SYLVIA JEWEL JOHNSON.

Dave White, Fire Chief, reported that the City had received a renewal of its Class One rating; he discussed the significance of the rating and who determined the rating; and he thanked partners in the process.

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

Mayor Sahli-Wells invited public comment.

The following members of the audience addressed the City Council:

Dr. Janet Hoult read a poem in celebration of her wedding anniversary, and she discussed her Civil Rights experiences and the legacy of Dr. Martin Luther King, Jr.

Arlene Cardenas, Culver City Chamber Orchestra, thanked the City for their support; announced upcoming concerts made possible by the Performing Arts Grant received from the City; noted other upcoming performances by the Chamber Orchestra; and she reported that the Orchestra would be recognizing Albert Vera Jr. for his work in the City.

Marla Koosed, Chair of the Culver City Cultural Affairs Foundation, encouraged everyone to attend a series of Architecture Talks with proceeds benefitting the technical enhancement of Veterans Auditorium.

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**Receipt and Filing of Correspondence**

None.

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**Joint Consent Calendar**

Item JC-1

**Joint City Council/Parking Authority/Housing Authority/ Successor Agency Agenda Item: Receipt and Filing of Fiscal Year 2013/2014 Year-End Report and Audit Summary**

MOVED BY COUNCIL MEMBER WEISSMAN, SECONDED BY VICE MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE ATTACHED FISCAL YEAR 2013/2014 YEAR-END REPORT AND AUDIT SUMMARY.

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Item JC-2

**Joint Culver City Council/Culver City Housing Authority/ Successor Agency to the Culver City Redevelopment Agency**

**Agenda Item: Cash Disbursements**

MOVED BY COUNCIL MEMBER WEISSMAN, SECONDED BY VICE MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR NOVEMBER 29, 2014 – JANUARY 2, 2015.

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Item JC-3

**Joint City Council and Successor Agency Board Agenda Item: Approval of a Third Amendment to the Existing Agreement with Modern Parking, Inc. in an Amount Not-to-Exceed $415,656 for Parking Management Services at the Cardiff, Ince, and Watseka Parking Structures and at the Venice and Virginia Parking Lots**

Mayor Sahli-Wells reported a recent complaint regarding lack of lighting in the structures and wanted to ensure that Modern Parking would be proactive rather than reactive to maintenance issues in all of the parking structures.

Discussion ensued between staff and Council Members regarding responsibility for lighting and responsiveness.

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE SUCCESSOR AGENCY BOARD:

1. APPROVE A THIRD AMENDMENT TO THE EXISTING AGREEMENT WITH MODERN PARKING INC. IN AN AMOUNT NOT-TO-EXCEED $415,656 AND EXTENDING ITS TERM FOR SIX MONTHS (TO JULY 31, 2015) FOR PARKING MANAGEMENT SERVICES AT THE CARDIFF, INCE, AND WATSEKA PARKING STRUCTURES AND THE VENICE AND VIRGINIA PARKING LOTS; AND,

2. AUTHORIZE THE CITY ATTORNEY/SUCCESSOR AGENCY GENERAL COUNSEL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY AND THE SUCCESSOR AGENCY.

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**CONSENT CALENDAR**

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-4.

Item C-1

**Meeting Minutes**

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF DECEMBER 8, 2014.

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Item C-2

**Approval of an Application for $160,458.95 in Grant Funds through the Fiscal Year 2016 California Office of Traffic Safety, Selective Traffic Enforcement Program (STEP)**

Cary Anderson discussed DUI checkpoints; proximity to bars; selective traffic enforcement; and other types of enforcement.

Vice Mayor O'Leary discussed his ownership of a bar and DUI checkpoint locations.

Discussion ensued between staff and Council Members regarding moving DUI checkpoints around; staff costs; and directed enforcement.

THAT THE CITY COUNCIL:

1. APPROVE AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $160,458.95 THROUGH THE FY 2016 CALIFORNIA OFFICE OF TRAFFIC SAFETY, SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; 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-3

**Award of a Contract to R.E. Schultz Construction Services, as the Lowest Responsive and Responsible Bidder, in an Amount Not-To-Exceed $207,888.00 ($173,240.00 Bid Plus $34,648.00 in Change Order Authority) for the Construction of the Syd Kronenthal Park Rehabilitation Playground Project, PZ-831**

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO R.E. SHULTZ CONSTRUCTION, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT NOT-TO-EXCEED $207,888.00 ($173,240.00 BID PLUS $34,648.00 IN CHANGE ORDER AUTHORITY) FOR THE CONSTRUCTION OF THE SYD KRONENTHAL PARK PLAYGROUND REHABILITATION PROJECT, PZ-831; AND,

2. AUTHORIZE THE PARKS DIVISION MANAGER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED $34,648.00, 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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Item C-4

**Adoption of a Resolution Approving an Encroachment Agreement with Crown Castle for Use of the Public Rights-of-Way**

Mayor Sahli-Wells received clarification regarding impacts of this project possibly being done if the underground project went forward at the same time.

Discussion ensued between staff and Council Members regarding timing of the projects and visual impacts.

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH CROWN CASTLE CABLE FOR PROPOSED FIBER OPTIC TELECOMMUNICATION CABLES ALONG JEFFERSON BOULEVARD; 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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**Order of the Agenda**

No changes were made.

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Item A-1

**(1) Consideration of a Petition from Area Property and Business Owners Requesting Recognition of a Newly Formed “Washington West Business District” and (2) Sponsorship of Cooperative Economic Development and Marketing Programs in the Newly Formed District**

Elaine Gerety-Warner, Senior Management Analyst, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

No speakers came forward and no cards were received.

Discussion ensued between staff and Council Members regarding signatories on the petition; businesses discussing the issue; support for the district and for the effort by the businesses; the model used on Sepulveda for Culver Village; Business Improvement Districts; investment by the businesses; annual events; the logistics and term of sponsorship; and the work program

MOVED BY COUNCIL MEMBER WEISSMAN AND SECONDED BY VICE MAYOR O'LEARY THAT THE CITY COUNCIL:

1. RECOGNIZE THE ORGANIZATION OF PROPERTY AND BUSINESS OWNERS ALONG WASHINGTON BOULEVARD FROM INGLEWOOD BOULEVARD TO BEETHOVEN STREET AS THE “WASHINGTON WEST BUSINESS DISTRICT;” AND,

2. DETERMINE THAT THE WASHINGTON WEST BUSINESS DISTRICT’S FUTURE EVENTS MEET THE CRITERIA SET FORTH IN CCMC SECTION

17.330.040.B.7.B.II. AND ARE DEEMED CITY SPONSORED EVENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO PROVIDE CITY IN-KIND SUPPORT TO FUTURE COOPERATIVE ECONOMIC DEVELOPMENT AND MARKETING ACTIVITIES FOR THE AREA THROUGH PROVIDING STAFF SERVICES AND SPECIAL EVENT PERMIT FEE WAIVERS.

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Item A-2

**(1) Discussion of the 2015 Culver City Summer Concert Series and (2) (If Desired) Provide Direction to the City Manager Related Thereto**

Shelly Wolfberg, Assistant to the City Manager, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

No speakers came forward and no cards were received.

Discussion ensued between staff, Council Members and Gary Mandell regarding appreciation to Mr. Mandell for 20 years of service; loss of Redevelopment Agency funds; changes to the agreement from the previous year; uncertainty in the amount of money available; experiences in previous years; doing things safely; sponsors; participation by Sony; marketing; matching funds from the City; marketing; donations; the producer's fee, the marketing fee and the sales fee; concern with a conflict of interest; the Cultural Trust Fund; concern with ensuring that the same amount of effort is expended; the need for trust; the Request for Proposal; the amount of sponsorships vs. producer fees; General Fund costs for the 2015 concerts; developer fees; and the track record of the producer.

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DIRECT THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH BOULEVARD MUSIC TO HOLD A 2015 CONCERT SERIES WITHIN THE AVAILABLE FUNDING PROVIDED IN THE CITY COUNCIL ADOPTED BUDGET FOR FISCAL YEAR 2014/2015; 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 A-3

**Authorization to the Members of the Committee on Homelessness and City Staff to Solicit Volunteer Enumerators and Donations of Refreshments in the Name of the City for the 2015 Greater Los Angeles Homeless Count**

Mayor Sahli-Wells invited public input.

No cards were received and no speakers came forward.

Council Member Clarke discussed his participation in the Count last year.

Discussion ensued between staff and Council Members regarding support for the program; the loss of funding; the timing of the Homelessness Count; and a suggestion that t-shirts be donated to the homeless.

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: AUTHORIZE THE COMMITTEE ON HOMELESSNESS AND CITY STAFF TO SOLICIT VOLUNTEER ENUMERATORS AND DONATIONS OF REFRESHMENTS IN THE NAME OF THE CITY FOR THE 2015 GREATER LOS ANGELES HOMELESS COUNT.

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Item A-4

**(1) Consideration of a Recommendation by the Parks, Recreation and Community Services Commission in Support of Adoption of the Proposed Resolution Declaring Culver**

**City's Commitment to Operating PRCS Department Programs in a "Bullying Free Environment;" and (2) Adoption of a Proposed Resolution if Deemed Appropriate**

Dan Hernandez, Parks, Recreation and Community Services Director, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

No cards were received and no speakers came forward.

Discussion ensued between staff and Council Members regarding bullying at the Senior Center; City policies; past experience; costs for signage; Exchange Club support; training; the identification of bullying; using structures already in place; acknowledgement of the work put in on the item; bullying as a national issue; American Youth Soccer Organization; and coordination with the school district.

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A PROPOSED RESOLUTION DECLARING CULVER CITY'S COMMITMENT TO OPERATING PRCS DEPARTMENT PROGRAMS IN A "BULLYING FREE ENVIRONMENT;" AND,

2. ACCEPT THE DONATION OF THE CULVER CITY EXCHANGE CLUB TO COVER SIGNAGE COSTS.

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Item A-5

**(1) Discussion of the Potential Formation of Underground Utility District 11 at (A) Culver Boulevard and Sepulveda Boulevard or (B) Along Jefferson Boulevard, West of Duquesne Avenue or (C) Another Area Selected by the City Council; and (2) Direct the City Manager as Deemed Appropriate**

Council Member Weissman recused himself and exited the room.

Discussion ensued between staff and Council Members regarding benefits and issues with each location, and visibility.

Mayor Sahli-Wells invited public participation.

The following member of the audience addressed the City Council:

Mark Olsen, Southern California Edison, discussed criteria and requirements that the location be on a major street or an arterial street.

Discussion ensued between Council Members and Mr. Olsen regarding whether the money has to be spent within Culver City; shared poles; additional research; future funding possibilities; clarification that both projects are viable; appreciation to Mate Gaspar for his efforts on the item; and quality of life impacts.

MOVED BY VICE MAYOR O'LEARY AND SECONDED BY COUNCIL MEMBER COOPER THAT THE CITY COUNCIL:

1. CHOOSE THE LOCATION AT AND NEAR THE INTERSECTION OF CULVER BOULEVARD AND SEPULVEDA BOULEVARD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Council Member Weissman returned to the room.

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Item A-6

**Adoption of a Resolution Approving the Implementation of the 2015-2016 Legislative Advocacy Program and Rescinding Resolution No. 2012-R105**

Mayor Sahli-Wells invited public participation.

No cards were received and no speakers came forward.

Vice Mayor O'Leary moved to accept the staff recommendation and Council Member Weissman seconded the motion.

Discussion ensued between staff and Council Members regarding adding a blanket statement that grant opportunities be pursued at the Federal, state and local level; things that happen at the County level; flexibility with the legislative platform; applying State and Federal guidance to the County level; impacts of fees and taxes to businesses and residents; and hydraulic fracturing.

Council Member Clarke asked that the motion include language to indicate support for any Federal and State legislation which bans the practice of hydraulic fracturing until it is proven safe.

Further discussion ensued between Council Members and staff regarding incorporating language from the previously adopted resolution into the legislative plan; placing a ban on hydraulic fracturing and on the disposal of wastewater until the Division of Oil, Gas and Geothermal Resources (DOGGR) takes all actions to adopt comprehensive regulations to ensure public health and safety; whether the formally issued regulations from DOGGR adequately protect health and safety; adoption of City comments; support of Senator Mitchell's Bill; combining the resolution and support for Holly Mitchell's Bill; adding on to existing language; City Council policy direction; conflicts between state and local authorities; the local control model; applying local control more broadly; opposing any attempts by the state and Federal government to take control; and agreement to add language regarding opposing preemption of local authority to the fracking bullet point.

The City Council agreed to accept the amendment by Council Member Clarke to include language regarding support for legislation that bans hydraulic fracturing until proven safe.

MOVED BY VICE MAYOR O'LEARY, SECONDED BY COUNCIL MEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING THE 2015-2016 LAP AND RESCINDING RESOLUTION NO. 2012-R105 WITH ADDITIONAL LANGUAGE AS AGREED UPON BY THE CITY COUNCIL; AND,

2. AUTHORIZE AND DIRECT THE MAYOR AND VICE MAYOR (AS NECESSARY), AS REPRESENTATIVES OF THE CITY COUNCIL TO

SUBMIT THE APPROPRIATE DOCUMENTS AND CORRESPONDENCE IN KEEPING WITH THE GOALS OF THE 2015-2016 LAP; AND,

3. AUTHORIZE THE TESTIMONY OF ANY MEMBER OF THE CITY COUNCIL BEFORE A LEGISLATIVE BODY, WHEREUPON THE POSITION ADVOCATED IS CONSISTENT WITH CITY COUNCIL POLICY AND THE 2015-2016 LAP; AND,

4. AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO PROVIDE TESTIMONY BEFORE A LEGISLATIVE BODY AND/OR EXECUTIVE BRANCH DEPARTMENT CONSISTENT WITH THE 2015- 2016 LAP.

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

Mayor Sahli-Wells invited public comment.

No cards were received and no speakers came forward.

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**Items from the City Council**

Council Member Clarke reported on the recent Urban Forest Management Plan workshop, and he encouraged residents to attend upcoming workshops.

Mayor Sahli-Wells announced a presentation of the Historical Society on January 21 on the Making of Gone with the Wind in the Multi-Purpose Room at Veterans Memorial building.

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**Adjournment**

There being no further business, at 9:30 p.m., the City Council adjourned its meeting in memory of David Jenett, Martha Sigall and Sylvia Jewel Johnson to Monday, January 26, 2015 at 7:00 p.m.

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January 12, 2015

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

MEGHAN SAHLI-WELLS
MAYOR of Culver City, California