

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

July 2, 2012
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: Andrew Weissman, Mayor
Jeffrey Cooper, Vice Mayor
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember
Meghan Sahli-Wells, Councilmember

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Closed Session

At 6:01 PM, the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators

Re: 9300 Culver Blvd. (Parcel B)

City Negotiators: John Nachbar, City Manager; Sol Blumenfeld, Community Development Director, Todd Tipton, Economic Development Manager and Carol Schwab, City Attorney
Other Parties Negotiators: Willy Bietak Productions, Inc.
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 - Anticipated Litigation

Re: Significant Exposure to Litigation - (1 Item)

Pursuant to Government Code Section 54956.9(b)

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Reconvene

The City Council reconvened its meeting at 7:18 p.m. with all Councilmembers present.

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Closed Session Report

Mayor Weissman indicated nothing to report from closed session.

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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 Dan Hernandez, Director of Parks, Recreation, and Community Services.

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Presentations

Item P-1

Proclamation in Honor of July as "Parks Make Life Better" Month

Vice Mayor Cooper presented the proclamation to Parks, Recreation and Community Services Director Dan Hernandez who thanked the City Council and discussed programs and activities.

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Community Announcements By City Council Members/Information Items From Staff

Councilmember Sahli-Wells thanked CCARES and CERT for their Field Day noting that they helped the City be prepared for emergencies as experts in communication, and she discussed a recent tour she took of the Rape Treatment Center with Police Chief Pederson.

Vice Mayor Cooper reported that Culver City Transportation had been rated third out of 38,000 for cleanest fleet in the country.

Art Ida, Transportation Director, indicated that it was the seventh year the City had gone through the certification process with Equipment Maintenance Manager Paul Condran spearheading the effort.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF JIM PICKRELL.

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Joint Public Comment - Items Not on the Agenda

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Bill Wynn invited everyone to attend the Annual Culver City Democratic Club 4th of July picnic at Carlson Park noting that it was the 60th Anniversary of the Democratic Club.

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Consent Calendar

Item C-6
(Out of Sequence)

Adoption of a Resolution Approving the Engineer's Report, Declaring the Intention to Order the Levy of Annual Assessments therein, and Setting the Date, Time, and Place for the Public Hearing to be Monday, July 23, 2012 at 7:00 PM in the City Council Chambers for the Landscape Maintenance District Number 1

Vice Mayor Cooper recused himself and exited the dais.

Councilmember Sahli-Wells received clarification regarding damage to pine trees.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: ADOPT A RESOLUTION

1. APPROVING THE ENGINEER'S REPORT FOR THE LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 (LMD#1) - FISCAL YEAR 2012/2013;

2. DECLARING ITS INTENTION TO ORDER THE LEVY OF ANNUAL ASSESSMENTS FOR FISCAL YEAR 2012/2013; AND,

3. SETTING A PUBLIC HEARING FOR JULY 23, 2012, AT 7:00 P.M.
IN THE MIKE BALKMAN COUNCIL CHAMBERS.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Vice Mayor Cooper returned to Council Chambers.

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Item C-1

1) Waiver of Formal Bidding Requirements; and 2) Approval of a Purchase Order with Becnel Uniforms, Inc., for the Purchase of Bus Operator and Transit Operations Supervisor Uniforms

Councilmember Clarke received clarification regarding the uniqueness of Culver City transit uniforms.

Mayor Weissman reported that they were phasing out the practice of addressing items with 'Through the Mayor'.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. WAIVE FORMAL BIDDING REQUIREMENTS PER CCMC SECTION 3.07.075.E.3; AND
2. APPROVE A PURCHASE ORDER WITH BECNEL UNIFORMS, INC. IN THE AMOUNT OF \$48,825 FOR BUS OPERATOR AND TRANSIT OPERATIONS SUPERVISOR UNIFORMS; 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-2

**Adoption of a Resolution Approving the Fiscal Year
2012/2013 Annual Investment Policy**

Councilmember O'Leary noted that there was no fiscal impact associated with the approval of the Investment Policy and he requested that the item be considered as an action item in the future so that results could be discussed.

Discussion ensued between staff and Councilmembers regarding the California State Government Code; compliance; safety, liquidity and yield; the investment committee; the consultants used to manage the portfolio; and quarterly investment reports posted on the website.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE FISCAL YEAR 2012/2013 ANNUAL INVESTMENT POLICY.

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Item C-4
(Out of Sequence)

**Adoption of a Resolution Approving the Engineer's Report,
Declaring the Intention to Order the Levy of Annual
Assessments, and Setting the Date, Time, and Place for the
Public Hearing to be Monday, July 23, 2012 at 7:00 PM in
the City Council Chambers for the Albright Avenue Street
Lighting Assessment District**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2) DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ALBRIGHT AVENUE STREET LIGHTING ASSESSMENT DISTRICT - FISCAL YEAR 2012/2013, AND (3) SETTING THE TIME, DATE AND PLACE FOR A PUBLIC HEARING FOR JULY 23, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS.

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Item C-5

**Adoption of a Resolution Approving the Engineer's Report,
Declaring the Intention to Order the Levy of Annual
Assessments therein, and Setting the Date, Time, and Place
for the Public Hearing to be Monday, July 23, 2012 at 7:00
PM in the City Council Chambers for the Higuera Street
Landscaping and Lighting Maintenance District**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER
SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:
ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2)
DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR THE HIGUERA STREET LIGHTING AND LANDSCAPE
MAINTENANCE DISTRICT - FISCAL YEAR 2012/2013, AND (3)
SETTING THE TIME, DATE, AND PLACE FOR A PUBLIC HEARING ON
JULY 23, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL
CHAMBERS.

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Item C-7
(Out of Sequence)

**Adoption of a Resolution Approving an Encroachment
Agreement with Time Warner Cable for Use of the Public
Rights-of-Way on Fox Hills Drive and Green Valley Circle**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER
SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT
WITH TIME WARNER CABLE;
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-8

**Adopt a Resolution Establishing a Retiree Health
Reimbursement Arrangement Plan**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT THE PROPOSED RESOLUTION APPROVING AND ADOPTING THE CITY OF CULVER CITY RETIREE HEALTH REIMBURSEMENT ARRANGEMENT PLAN; AND,
2. AUTHORIZE THE CITY MANAGER, CITY ATTORNEY AND CHIEF FINANCIAL OFFICER TO FINALIZE AND EXECUTE ALL DOCUMENTS AND TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE PLAN.

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Item C-9

(1) Consideration of a Request from the Disability Advisory Committee to Hold a Special Screening Event and Panel Discussion in Partnership with the Culver City Senior Citizens Association and (2) Designating Such Event as a City Event

Vice Mayor Cooper thanked the Kirk Douglas Theatre for hosting the event on July 29 noting that the movie is about a Culver City resident.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE DAC'S REQUEST TO HOLD THE EVENT AS PLANNED AND PRODUCED BY VOLUNTEERS (INCLUDING THE DAC AND CCSCA MEMBERS) WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT; AND,
2. DESIGNATE THE EVENT AS A CITY EVENT.

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Item C-10

Adoption of a Resolution Approving the Engineer's Report and Declaring the City Council's Intention to Order the Levy of Annual Assessments for the West Washington Boulevard Benefit Assessment District Number 1

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER

SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:
ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2)
DECLARING THE CITY COUNCIL'S INTENTION TO ORDER THE LEVY FOR
THE WEST WASHINGTON BOULEVARD ASSESSMENT DISTRICT NO. 1, AND
(3) SETTING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARING TO
BE JULY 23, 2012 AT 7:00 PM IN THE CITY COUNCIL CHAMBERS.

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Item C-11

**Adoption of a Resolution (1) Approving the Engineer's
Report, (2) Declaring the City Council's Intention to Order
the Levy of Annual Assessments, and (3) Setting the Date,
Time, and Place for the Public Hearing for the West
Washington Boulevard Benefit Assessment District No. 2**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER
SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:
ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2)
DECLARING THE CITY COUNCIL'S INTENTION TO ORDER THE LEVY
AND (3) SETTING THE DATE, TIME AND PLACE FOR THE PUBLIC
HEARING TO BE JULY 23, 2012 AT 7:00 PM IN THE CITY COUNCIL
CHAMBERS FOR THE WEST WASHINGTON BOULEVARD ASSESSMENT
DISTRICT NO. 2.

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Item C-3
(Out of Sequence)

**Approval of On-Call Professional Services Agreements with (1)
APD Consultants, E.W. Moon, Kimley-Horn and Associates,
KOA Corporation, Paller-Roberts Engineering, Inc. Psomas,
Willdan, CivilSource, Inc., Anderson-Penna, On-Ward
Engineering, RTI, SA Associates, TTG, Advantec Consulting
Engineers, Inc., Dudek, GHD, and APA Engineering Inc. for
General Civil Engineering Services and (2) Nickerson Company,
Interwest, and Project Partners for Construction Management
and Inspection Services**

Mayor Weissman recused himself and exited Council Chambers.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY
COUNCILMEMBER CLARKE, THAT THE CITY COUNCIL:

1) APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH APD CONSULTANTS, E.W. MOON, KIMLEY-HORN AND ASSOCIATES, KOA CORPORATION, PALLER-ROBERTS ENGINEERING, INC. PSOMAS, WILLDAN, CIVILSOURCE, INC., ANDERSON-PENNA, ON-WARD ENGINEERING, RTI, SA ASSOCIATES, TTG, ADVANTEC CONSULTING ENGINEERS, INC., DUDEK, GHD, APA ENGINEERING INC. FOR GENERAL CIVIL ENGINEERING SERVICES AND NICKERSON COMPANY, INTERWEST, AND PROJECT PARTNERS FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES AND EXPIRING ON JUNE 30, 2015 IN AN AGGREGATE NOT TO EXCEED AMOUNT OF \$3,600,000, AND

2) AUTHORIZE THE CITY ATTORNEY TO PREPARE THE NECESSARY DOCUMENTS; AND,

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman returned to Council Chambers.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Adoption of a Resolution Approving the Issuance of Tax Exempt Bonds by the California Municipal Finance Authority for The Willows Community School to Finance and Refinance Educational Facilities

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES

AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

Councilmember Clarke received clarification that the Willows School would have to take further steps if they plan to make an addition to the school.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Weissman invited public input.

There was no response.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

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

1. ADOPT A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE PURPOSE OF FINANCING AND REFINANCING FACILITIES FOR THE WILLOWS COMMUNITY SCHOOL; 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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Action Items

Item A-1

(1) Receipt and Filing a Presentation on the Engineer's Report, and (2) Adoption of a Resolution Approving the Engineer's Report, Declaring the Intention to Order the Annual Sewer User Service Charge, and Setting the Date, Time, and Place for the Public Hearing to be Monday, July 23, 2012 at 7:00 PM in the City Council Chambers for the Sewer User's Service Charge

Martin Cole, Assistant City Manager/City Clerk, reported that if the item passed the consultant would be available on July 23, 2012 to answer any questions.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: (1) RECEIVE AND FILE A PRESENTATION ON THE ENGINEER'S REPORT; AND, (2) ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2) DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SEWER USER'S SERVICE CHARGE - FISCAL YEAR 2012/2013, AND (3) SETTING THE TIME, DATE, AND PLACE FOR A PUBLIC HEARING FOR JULY 23, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS.

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Item A-2

1) Adoption of a Resolution Urging the State of California's Division of Oil, Gas & Geothermal Resources (DOGGR) to Place a Moratorium on Hydraulic Fracturing ("Fracking"); and 2) Discussion of Options Related to Local Regulation of Fracking

Responding to an inquiry by Neil Rubenstein, the videographers identified themselves.

Mayor Weissman summarized the ground rules for public speaking and invited public input.

The following members of the audience addressed the City Council:

Tom Camarella, Culver City Democratic Club, discussed other cities that had voted to ban or limit fracking; legal concerns; and protecting the water supply and health of citizens.

Carlene Brown expressed support for a ban on fracking throughout California; discussed making Culver City a model of sustainability; and alternative energy sources.

Serge Njamfa discussed his experiences in Europe; policies in France with regard to fracking; he expressed support for a City and statewide ban; and asked that the burden be put on PXP to prove that the procedure is safe.

Dr. Khin Khin Gyi, Culver Crest Neighborhood Association, questioned whether bond and insurance requirements had been met; discussed Culver City Municipal Codes; noxious odors in 2006 in the Culver Crest neighborhood; the abandonment fee;

returning the premises to its original condition: the Dog Park; Sonoma Technologies; leaving a legacy for the children; and she requested a three-year moratorium on fracking until the results of the air quality monitoring study is available to the public.

Rick Tuttle asserted that the statewide resolution was not strong enough; he wanted to see a ban on fracking in and under Culver City; he discussed the cost benefit analysis; legal costs; possible loss of revenue; he noted that an exploration of what happens if the ban is not enacted was not done; he discussed impacts to the tax base; and he expressed support for the passage of a ban on fracking.

Rebecca Rona Tuttle discussed the health and safety of residents; problems with the resolution; she expressed support for a ban on fracking; asserted that no regulations would make fracking safe; discussed costs of a lawsuit vs. costs of an earthquake; and she requested that the City Council pass a ban on fracking.

Mollie Lee Wolinsky, Culver City Democratic Club, requested that the City Council enact a ban on fracking.

Lillian Light, The Environmental Priorities Network, requested that the City Council enact a ban on fracking noting the many dangers involved with the process.

Lisa Bakewell discussed the dangers involved with the fracking process and requested a ban.

Bambi Njamfa provided background on herself and expressed support for a statewide ban on fracking.

Don White felt the moratorium in the state was a good first step but he wanted to see the City Council enact a ban on fracking to protect the health of residents.

Stephen Murray, Baldwin Hills Oil Watch, expressed support for the ban on fracking; noted that City Hall was on top of the oil field; he discussed other cities that have enacted legislation to stop fracking; he provided copies of right space ordinances; discussed rights vs. properties; the right of a corporation to make a profit superseding the right of the community to health and safety; the obligation of the City to protect the rights of the community; the Declaration of Independence; and he requested that the City enact a ban on

fracking.

Bruce Campbell wanted to see a ban on hydraulic fracking in Culver City and beyond; expressed support for a moratorium to study the process and impacts; discussed dangers involved in the process; and impacts to the environment and health and safety.

Wena Dows, Culver Crest Neighborhood Association, expressed support for a ban noting that if fracking turns out to be safe the ban can be lifted, and she wanted the study of the process to be done by unbiased scientists.

Dr. Suzanne DeBenedittis discussed a report conducted by the National Academy of Scientists; the importance of understanding the hazards when making a decision; she expressed concern with a lack of transparency and open dialogue; she wanted more information regarding impacts in order to weigh the risks and benefits; she requested that specific verbiage be included in the request to the state and that PXP put up a surety bond; she discussed the unpredictability of horizontal drilling; requested that the potentially affected public be informed and sign on to an agreement before any drilling could begin; and she requested that the City provide educational workshops delineating risks and benefits.

Aura Walker, Great Minds LLC, delivered a portion of a nearly 20,000 signature petition against fracking that she requested Mayor Weissman provide to Governor Brown; she noted the opportunity to follow other countries that have addressed the issue; she discussed alternative energy resources; and the wetlands under Culver City.

Gary Gless, Citizens Coalition for a Safe Community, echoed previous comments and noted that they could not rely on the industry to protect the community; he discussed risks associated with fracking; and he read warnings from the United States Geological Survey.

Paul Ferrazzi, Citizens Coalition for a Safe Community, provided a power point presentation on fracking; discussed dangers involved in the process; previous damage caused by ground movement; current issues; the Dog Park; leaking methane gas in Playa Vista; and he expressed support for a ban.

Michelle Weiner echoed previous comments; emphasized how

people were working together to protect the community; discussed actions of the City to protect the health and welfare of the community; the proposed tax increase; and she expressed support for the ban on fracking.

Brenna Norton, Food and Water Watch, provided background on the organization; thanked the City Council for the proposed moratorium and expressed support for a complete ban; discussed the many hazards involved with the fracking process; economic woes; the bill sponsored by Holly Mitchell and Betsy Butler; and she reported that Food and Water Watch offered pro bono legal assistance to the City.

Mark Schlosberg, Food and Water Watch, discussed the dangers involved with fracking; called for a complete ban on fracking; discussed other states fighting fracking; he wanted to see a ban rather than a moratorium; and he urged the City Council to express the will of their residents.

Karina Wilkinson, Food and Water Watch, expressed support for a statewide ban and a Culver City ban on fracking; she discussed a statewide ban passed in New Jersey; allowing the industry to move forward without regulation; wastewater treatment plants; issues in Pennsylvania; and the importance of protecting the health of residents.

Chris Paine expressed pride in the City and felt that change was possible.

Rich Waters did not think that PXP could put anything in the ground that could hold the pollutants that are there.

Deniz Akbasoglu discussed the meeting of June 12, 2012; the Los Angeles ban; benzene poisoning; issues related to fracking; regulating earthquakes; assurances from the corporations; 'safe fracking'; and he expressed support for a ban over regulation.

Lauren Steiner provided background on herself; discussed previous environmental issues; lack of protection by the government; regulatory capture of the agencies; the trustworthiness of corporations; the importance of City Council action; and she requested that the City Council enact a ban on fracking in and under Culver City.

Sydney Kamlager, District Director for Holly Mitchell, discussed AB 972 sponsored by Assemblymember Mitchell calling

for a moratorium until regulations with integrity are established and can be enforced; she reported work on amended language; noted that she continues to learn about the issue; acknowledged the importance of the issue and the civic engagement in Culver City; and she indicated that she was looking to their leadership on the issue.

Mary-Ann Webster, Sierra Club, expressed support for a moratorium on fracking in the State; discussed the policy of the Sierra Club until research can prove the process to be safe; she noted that the burden of proof regarding the safety of the process should be on the company; indicated that they felt that fracking is a destructive technology and the risks are too high; expressed concern with contamination of groundwater and stability; noted that the damages are potentially irreversible; and discussed a ban and local regulations.

Martin Cole, Assistant City Manager/City Clerk, read comments submitted by:

Deva Powell
Karol Mora
Terry Silberman
Cameron Spencer

Mayor Weissman asserted that nothing was more important to the City Council than the health and safety of the community; noted that they would do all that they could to preserve environmental protections regarding the oil field in and adjacent to the City; discussed the resolution with the state; next steps in the process; and he reported that the City was in the process of revising the Drilling Ordinance to provide protections to the community.

Councilmember Sahli-Wells proposed to amend the resolution slightly to include a ban rather than moratorium.

Discussion ensued between Councilmembers regarding enacting a ban rather than a moratorium; the health and safety of the community; the importance of people over money; the responsibility of the City Council; the agency responsible for regulating the process; the voluntary submission of information by the oil companies; the need for additional knowledge; the assertion that fracking has been done for years; the location of the oil and the drilling; the importance of enacting regulations at the state level; concern

with having a small City attack the process on their own; concern with contamination of the water source; chemicals used; the Baldwin Hills Conservancy EIR; support for enacting a moratorium rather than a ban; concern with actions at the state level; the current moratorium; the required study on fracking due out July 15; the peer review; facts regarding impacts specific to Culver City, not other cities; lobbying DOGGR; establishing regulations; using time from a moratorium to gather facts; making informed choices about what the impacts are; a suggestion to enact a moratorium until DOGGR takes all necessary and appropriate actions to adopt, implement and enforce comprehensive regulations concerning the practice of fracking that will insure the public health and safety, and the environment; clarification that the resolution is a directive to the state to take comprehensive action; support for the resolution; and enacting a moratorium vs. a ban.

Councilmember Sahli-Wells moved to adopt the resolution to place a ban on hydraulic fracking. Vice Mayor Cooper seconded the motion.

Further discussion ensued between Councilmembers regarding actions at the state level; whether it is easier for DOGGR to act on a moratorium rather than a ban; and a desire to pass any motion unanimously.

Discussion continued regarding a feeling that a moratorium is a ban with a time limit; encouraging the state to move forward with creating regulations; a feeling that the state needs to be pressured; clarification that this is the largest urban oil field in the country; the importance of the matter; the need for bold action; and the symbolic nature of a ban.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION URGING THE STATE OF CALIFORNIA'S DIVISION OF OIL, GAS & GEOTHERMAL RESOURCES (DOGGR) TO PLACE A BAN ON HYDRAULIC FRACTURING ("FRACKING").

Discussion ensued between Councilmembers regarding options related to local regulation of fracking; the process of updating antiquated drilling ordinances; the disputed Environmental Impact Report; the CSD process; litigation results; concerned members of the public; protecting health, property value and keeping residents safe; concern that what

has happened in other parts of the country will happen in Culver City; the negative potential of hydraulic fracking; how the City can protect their residents; results of EPA, US Geological Survey and peer review studies; concern that the Inglewood Oil Field has not been studied; impacts to human health and welfare, and the economy; concern with the water supply; potential impacts of contamination; the unique nature of the location; the active earthquake zone; the well casing; climate change; actions of the City to help the environment and quality of life; the energy, water and carbon intensive nature of the fracking process; the admission by DOGGR that the existing regulations are inadequate; work by DOGGR to create new regulations specific to fracking; examples from other towns; the changing technology; a request to staff to obtain and compile information from regulatory bodies and from PXP so that the City Council can make an informed decision to make the City safe; and an observation that fracking has been previously done mostly in rural areas.

Additional discussion ensued between Councilmembers expressing concern regarding secrecy around fracking; a request for regulations that require information to be submitted; the presentation by the state in Council Chambers; community involvement; fluids used in drilling; the Haliburton Loophole; the water source and where it is going; the desire for specific information; the Petroleum Administrator; the Supervisor; notification requirements; removal of previously available information; the 1976 Attorney General opinion; the need for information from the state; dangers associated with oil drilling; impacts to property values; the importance of the oil drilling ordinance; having Culver City be proactive; the importance of regional cooperation; gravel pack fracking; where drilling is proposed; what techniques are proposed; a statement by PXP indicating no intention to conduct horizontal hydraulic fracking in Culver City; the City's commitment to maintain the health and safety of the community; expenditure of attorney's fees on regulations; conflicting information regarding fracking; City rights vs. state's rights; time needed to analyze the facts of the situation; the need to move forward; a request that a letter be sent to the Department of Conservation with questions and comments from the current meeting included; whether a chemical marker can be put into the water they are using to track it; a suggestion to also include suggestions made at the June 12, 2012 meeting regarding the regulations; a request that Senator Price and Assemblymember Holly Mitchell be copied on any letters sent to the Department of Conservation; appreciation to involved

residents; assurances regarding notifications; and next steps in the process.

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Receipt of Correspondence

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, TO RECEIVE AND FILE CORRESPONDENCE.

John Nachbar, City Manager, announced two Community Dialogues regarding City Finances on July 9 at Linwood E. Howe Elementary School and July 16 in City Council Chambers.

Lieutenant Iizuka reported that use of fireworks is illegal and he encouraged people to attend professional fireworks displays.

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

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Items from the City Council

None.

July 2, 2012

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Adjournment

There being no further business, at 10:00 p.m., the City Council adjourned its meeting in memory of Jim Pickrell to a meeting on Monday, July 9, 2012 at 7:00 p.m. at Linwood E. Howe Elementary School.

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Martin R. Cole

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



ANDREW WEISSMAN

MAYOR of the City of Culver City, California