

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

January 9, 2012  
5:30 p.m.

### **Call to Order & Roll Call**

The meeting of the City Council was called to order at 5:30 p.m.

Present: Micheál O'Leary, 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: Initiation of Litigation - One Matter  
Pursuant of Government Code Section 54956.9(c)

**CS-3** Conference with Real Property Negotiators  
Re: 9300 Culver Boulevard  
City/Agency Negotiators: John Nachbar, City Manager/  
Executive Director; Sol Blumenfeld, Assistant Executive  
Director/Community Development Director; Todd Tipton, Deputy  
Community Development Director/Redevelopment Administrator  
Other Parties Negotiators: 20th Century Fox Television  
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

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Closed Session  
(continued)

**CS-4** Conference with Real Property Negotiators  
Re: 5722 Bankfield Avenue and 5649 Selmaraine Drive  
City Negotiator: John M. Nachbar, City Manager; and Charles  
D. Herbertson, Public Works Director/City Engineer  
Other Parties' Negotiators: Bankfield Property, LLC and  
Robert Mazze Trust  
Under Negotiation: Both terms and price  
Pursuant to Government Code Section 54956.8

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**Recess**

The City Council recessed to Closed Session at 5:30 p.m.

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**Reconvene**

The City Council reconvened its meeting at 7:07 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 Bill Wynn.

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**Closed Session Report**

Mayor O'Leary indicated there was nothing to report out of  
closed session.

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At this time, Mayor O'Leary invited Los Angeles County Supervisor Mark Ridley Thomas to address the City Council.

Supervisor Mark Ridley Thomas extended best wishes for a Happy New Year; invited everyone to attend the Empowerment Conference at USC on January 14, 2012; discussed public transportation and the Inglewood Oil Field; he thanked Councilmember Weissman for his efforts on PXP; and he expressed appreciation for being able to collaborate with the City.

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### **Presentations**

#### Item P-1

#### **A Proclamation in Honor of Dr. Martin Luther King, Jr's. Birthday and Celebration Event.**

Mayor O'Leary presented the proclamation to Rupert Francisco.

Rupert Francisco, Chair of the Martin Luther King Jr. Committee, thanked the City Council for the proclamation and announced planned activities for the celebration event.

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

Councilmember Cooper requested Charles Herbertson, Public Works Director/City Engineer to address issues with the practice of attaching bicycles to parking meters in a commercial section of Washington Boulevard across from Sony Studios; and accidents on Jean Place.

Charles Herbertson, Public Works Director/City Engineer, provided a presentation on bike corrals that are proposed to address the issue.

Councilmember Armenta wished everyone a Happy New Year.

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Announcements  
(continued)

Mayor O'Leary reported that he would be participating in a panel on Sunday for the Dr. Martin Luther King Jr. event and noted that he would also be attending the Mayors' Conference in Washington D.C., where he would be meeting President Barack Obama.

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**Joint Public Comment - Items Not on the Agenda.**

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Rebecca Rona Tuttle reported on scheduled events for the Dr. Martin Luther King Jr. event on January 15, 2012 and encouraged everyone to attend.

Meghan Sahli-Wells, Downtown Neighborhood Association, reported the loss of two 85-year old trees in front of 4043 Irving Place to accommodate parking; and she expressed gratitude to Councilmember Cooper and the Public Works Department for addressing bicycle parking and visibility issues in front of the Coffee Conservatory.

Patricia Siever thanked the Mayor for sitting on the panel for the Dr. Martin Luther King Jr. celebration; and she discussed other panelists and the essay contest.

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**Receipt 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

**(1) Approval of the Final Construction Contract Amount and Approval of a Related Budget Amendment, Acceptance of Work and Authorization to File the Notice of Completion for the Sepulveda Boulevard Pedestrian Improvements; (2) Authorization of the Release of Retention Funds after the Expiration of the 35-Day Lien Period; and (3) Authorization to Initiate Phase III of the Sepulveda Boulevard Area Improvement Plan**

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD:

1. ACCEPT THE WORK PERFORMED BY KASA CONSTRUCTION, INC. FOR THE CONSTRUCTION OF SEPULVEDA BOULEVARD PEDESTRIAN IMPROVEMENTS, P-979, FEDERAL AID PROJECT NO. STPLER-5240(013);
2. AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR 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 \$402,856.43;
4. AUTHORIZE THE CITY MANAGER TO RELEASE \$20,142.82 IN RETENTION TO KASA CONSTRUCTION, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD;
5. AUTHORIZE THE INITIATION OF IMPROVEMENTS FOR PHASE III OF THE SEPULVEDA AIP (WHICH AT THIS TIME IS THE PURCHASE OF NEW BENCHES);
6. APPROVE A BUDGET AMENDMENT TO APPROPRIATE \$15,000 IN AVAILABLE FUND BALANCE FROM FORMER AGENCY UNRESTRICTED TAX INCREMENT FUNDS (FUND 485) IN THE SEPULVEDA AIP PROGRAM (48592920);

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Item JC-1  
(continued)

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

8. AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY AND AGENCY, RESPECTIVELY.

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### **Consent Calendar**

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER ARMENTA 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 THE MINUTES FOR THE SPECIAL MEETING OF DECEMBER 5, 2011 AS SUBMITTED.

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Item C-2

### **Cash Disbursements**

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR DECEMBER 3, 2011 - DECEMBER 30, 2011.

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Item C-3

**(1) Acceptance and Appropriation of \$439,343 in Grant Funds from the 2008 State Homeland Security Grant Program for an Equipment Upgrade to the Culver City Radio System; and (2) Approval of a Related Purchase Order with Motorola to Complete the Upgrade.**

THAT THE CITY COUNCIL:

1. AUTHORIZE THE ACCEPTANCE OF THE 2008 HOMELAND SECURITY GRANT PROGRAM FUNDS;
2. APPROVE A BUDGET AMENDMENT APPROPRIATING \$439,343 IN GRANT FUNDS FOR UPGRADING THE CITY'S COMMUNICATIONS SYSTEM; (A 4/5THS AFFIRMATIVE VOTE IS REQUIRED TO APPROVE THE BUDGET AMENDMENT; )
3. APPROVE A PURCHASE ORDER WITH MOTOROLA IN AN AMOUNT NOT-TO-EXCEED \$439,343 TO UPGRADE THE CITY'S COMMUNICATION SYSTEM;
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

**Approval of a Professional Services Agreement with Land Images Landscape Architects for Landscape Architecture Services Related to the West Washington Area Improvement Plan, Phase IV (Median Design).**

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LAND IMAGES LANDSCAPE ARCHITECTURE SERVICES FOR LANDSCAPE ARCHITECTURE SERVICES RELATED TO THE WEST WASHINGTON AREA IMPROVEMENT PLAN "AIP" PHASE IV IN AN AMOUNT NOT-TO-EXCEED \$119,000 FROM PROGRAM 48892695; AND

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Item C-4  
(continued)

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 action was taken on this item.

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### **Joint Action Items**

Item J-1

**1) Presentation of Comments from the City Manager/Executive Director Related to the Impacts of the Implementation of AB 1X 26 (the Redevelopment Agency Dissolution Bill) and (2) City Council Adoption of a Resolution Designating the City of Culver City as the Successor Agency to the Culver City Redevelopment Agency.**

John Nachbar, City Manager, introduced the item and discussed serious negative impacts to the City due to the dissolution of the Redevelopment Agency.

Discussion ensued between the City Council and staff regarding Supreme Court action on AB 27; clarification regarding the original intent of the two bills; the option to continue Redevelopment Agencies; AB 26; the City Council decision to become the successor agency; the role of the successor agency as written in AB 26; the staff recommendation; the process of winding down the Redevelopment Agency; Senate Bill 659; benefits of a delay; City Council support for SB 659; the relationship between the successor agency in regards to enforceable agreements and the County Auditor; oversight of the successor agency; the Oversight Board; an enforceable obligations schedule; passage of AB 26; and Proposition 22.

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Item J-1  
(continued)

Mayor O'Leary invited public comment.

There was no response.

Discussion ensued between the City Council and staff regarding creation of the successor agency; functions and responsibilities of the successor agency; the importance of clarifying that the City Council will be the successor agency; enforceable obligations; the complexity of the situation; financial implications; support for SB 659 to allow time to correct the drafting errors that led to the Supreme Court decision to invalidate AB 27; and concerns with effects to the budget and funding of specific programs.

MOVED BY COUNCILMEMBER COOPER AND SECONDED BY COUNCILMEMBER WEISSMAN, THAT THE CITY COUNCIL:

1. RECEIVE A PRESENTATION FROM THE CITY MANAGER RELATED TO THE IMPACTS OF THE DISSOLUTION OF THE CULVER CITY REDEVELOPMENT AGENCY; AND
2. ADOPT RESOLUTION NO. 2012-R001 DESIGNATING THE CITY OF CULVER CITY AS THE "SUCCESSOR AGENCY" TO THE CULVER CITY REDEVELOPMENT AGENCY; AND
3. THAT THE CITY COUNCIL DECLARE SUPPORT FOR SENATE BILL 659.

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Item J-2

**(1) Consideration of Potential Discontinuation of the Culver City Music Festival Based upon the Loss of Funding Due to the Pending Dissolution of the Culver City Redevelopment Agency on February 1, 2012 as a Result of the Implementation of State Legislation and (2) (In the Case the City Council Determines to Replace Agency Funding with City General Funds)(a) Consideration of Production Services for the 2012 Culver City Music Festival.**

John Nachbar, City Manager, recommended that in light of actions by the State that the concert series not be funded for 2012 and he discussed the financial implications to the City.

Susan Obrow, Performing Arts and Special Events Coordinator, indicated that staff and Gary Mandell, producer of the Culver City Music Festival were available to answer any questions.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Jozelle Smith discussed the history and longevity of the program; expressed support for continuing the program; and suggested exploring alternate means of funding.

Councilmember Weissman received clarification regarding the amount of sponsorship income received for the past year.

Gary Mandell, Producer of the Culver City Music Festival, discussed the development of the festival; previous concern with funding and suggestions to have an outside person generate sponsorships; the program for the City of Santa Monica; the difficulty of finding sponsors if the program is discontinued; producer responsibilities; measuring the value of the concert series; and performer compensation.

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Item J-2  
(continued)

Karlo Silbiger commented on the small amount of money needed to run the program which provided a large benefit to the City; discussed the difference between Cultural Affairs versus Redevelopment; the previous precedent for paying for Cultural Affairs from the General Fund; clarification that Community Development does not equal redevelopment; budget decisions; prioritization; encouragement not to act hastily; and he suggested the program be funded this year with time taken to consider the matter.

Ronnie Jayne noted widespread support for the festival in the City; benefits of the festival; she discussed reaping economic advantages of the festival; the real purpose and value of the festival; looking at how other cities pay for their festivals; expressed concern with acting hastily; and suggested taking some time to figure out how to fund the festival.

Meghan Sahli-Wells discussed the importance of culture; the revitalization of Culver City; quality of life; other cultural programs in the City; prioritization; and acting with reason and measure.

Gary Silbiger discussed adequate public notification; suggested postponing the topic; provided a brief summary of the festival; expressed concern that other vital programs could be lost through fear and a lack of planning; noted the importance of community building activities; and consideration of funding during the budget process.

Gayle Smashey questioned why the concert series was being targeted in a vacuum; suggested a holistic approach; discussed other programs funded by the Redevelopment Agency; and reducing the number of concerts for this year.

Goren Eriksson, Culver City Chamber of Commerce, noted the positive value of the Redevelopment Agency to the City; discussed reserve funds; the popularity of the event; willingness of the Chamber of Commerce to work with the City; the value of the programs; and efforts by the City and by the Chamber to retain the Redevelopment Agency.

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Item J-2  
(continued)

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

Nancy and Pierre Joujon Roche  
Michelle Bernardin

Discussion ensued between the City Council and staff regarding the importance of fiscal prudence; actions of the State; frustrations of the public; focusing blame; funding for redevelopment; the ability to provide an enviable level of cultural activities; redevelopment as an economic development tool; significant human and service implications; prioritization; City obligations; General Fund revenues; piece-meal budgeting; community enrichment; continuing programs; the Public Art ordinance; pursuing other opportunities; additional sponsorships; charging admission to the concert series; the Cultural Affairs Town Hall meeting; beneficiaries in downtown; community support; the financial health of the City; fulfilling elements of redevelopment; affordable housing; reliability of promises by the State; the votes of State Senators Price and Mitchell to eliminate the Redevelopment Agency; the importance of cutting expenses and not over extending the City; cuts to redevelopment staff; the importance of maintaining core services; and hopefulness that the concert series can return.

Councilmember Cooper moved to eliminate the funding of the Culver City Summer Concert Series but not to eliminate the series itself.

Discussion continued between the City Council and staff regarding the larger issue; impacts to the General Fund; the challenge of weaning itself off Redevelopment Agency funding; revenue generators for the City; the importance of increasing revenues; value of the reputation of the City; consistency of programming; competition with other cities, community goodwill and benefit; urgency of the matter; and concern with making a reactive decision.

Councilmember Armenta proposed a substitute motion to continue consideration of this item until January 23, 2012.  
Councilmember Weissman seconded the motion.

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Item J-2  
(continued)

Councilmember Cooper withdrew his original motion due to lack of a second.

Councilmember Weissman emphasized that he did not support funding the concert series through the General Fund and he wanted to see alternative suggestions for funding the series come forward when this item is returned for discussion.

MOVED BY COUNCILMEMBER ARMENTA AND SECONDED BY COUNCILMEMBER WEISSMAN, THAT THE CITY COUNCIL CONTINUE CONSIDERATION OF WHETHER TO DISCONTINUE THE 2012 CULVER CITY MUSIC FESTIVAL IN LIGHT OF THE LOSS OF FUNDING DUE TO THE PENDING DISSOLUTION OF THE CULVER CITY REDEVELOPMENT AGENCY.

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

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**Action Items**

Item A-1

**Consideration of a Request from the Culver Hotel Related to Use of the Public Right-of-Way (Town Plaza) as Part of the Proposed West Coast Documentary and Reality Conference (Westdoc).**

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Seth Horowitz, Culver Hotel, and Stephen Ramskill, Pacific Theatres, reported being approached by WestDoc to host the conference and they wanted to discuss using the space between the hotel and the theatre.

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Item A-1  
(continued)

Discussion between ensued between the City Council and staff regarding concern that the City not incur any costs and clarification that there are no scheduling conflicts.

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONSIDER THE REQUEST, IN CONCEPT, TO PARTICIPATE IN FORMAL DISCUSSIONS WITH THE CULVER HOTEL, THE PACIFIC THEATERS, AND THE DOWNTOWN BUSINESS ASSOCIATION RELATED TO THE WESTDOC CONFERENCE AND PROVIDE FURTHER DIRECTION TO THE CITY MANAGER IN THIS REGARD.

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Item A-2

**Consideration of Claim by Touchstone Television Productions, LLC, dba ABC Studios and FTP Productions, LLC for Refund of 2010 Business Taxes**

Jeff Muir, Chief Financial Director, provided a summary of the material of record.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Bob Burke, ABC Productions representative, discussed an alleged misunderstanding that occurred when renewing the business license; noted that standards and conditions had changed radically from the previous time; expressed concern that fees had been misapplied; discussed the appeals process; their desire to continue filming in the City; and a request to use City services as an offset.

Cary Anderson pointed out that information on fees is readily available to the public and he discussed the assertion that the production is transitory.

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Item A-2  
(continued)

Discussion ensued between the City Council and staff regarding whether the company was singled out; fees paid; the moratorium; clarification regarding calculation of fees; the internal process for responding to a protest or request for refund; the importance of providing a written response from the City; circumstances regarding the original request for a refund; and settlement discussion.

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

1. CONSIDER THE REQUEST BY TOUCHSTONE TELEVISION PRODUCTIONS, LLC, DBA ABC STUDIOS FOR A REFUND OF \$21,566 IN 2010 BUSINESS TAXES, AS WELL AS THE REQUEST FROM FTP PRODUCTIONS, LLC FOR A REFUND OF \$23,862 IN 2010 BUSINESS TAXES; AND
2. DIRECT STAFF TO DENY THE CLAIM.

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Item A-3

**Adoption of (1) a Resolution Activating the Culver City Housing Authority and Approving a Cooperation Agreement with the Culver City Housing Authority and (2) a Resolution Designating the Culver City Housing Authority to Receive the Transfer of all Housing Assets, Rights, Powers, Duties, Obligations, Liabilities and Functions Previously Performed by the Culver City Redevelopment Agency.**

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

Mayor O'Leary invited public comment.

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Item A-3  
(continued)

The following members of the audience addressed the City Council:

Cary Anderson expressed concern with public notice; prioritization; providing affordable housing in the City; and the Housing Authority.

Gary Silbiger commented on money owed to the Housing Authority by the Redevelopment Agency; the lack of affordable housing in the City; he questioned when the \$45 million would be repaid to the housing fund; and he suggested having five other individuals serve on the Housing Authority rather than City Councilmembers due to the time required and the many responsibilities of Councilmembers.

Discussion ensued between the City Council and staff regarding timing of the decisions and staff reports; including the Housing Authority in standard processes; the loan from the Redevelopment Agency to the City; the importance of taking action by the imposed deadline so that funds are not lost; protecting the City's assets; and an observation that if the Redevelopment Agency ceases, City Councilmembers can use that time to spend on the Housing Authority.

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2012-R002 ACTIVATING THE CULVER CITY HOUSING AUTHORITY IN ACCORDANCE WITH THE CALIFORNIA HOUSING AUTHORITIES LAW AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO AND APPROVING A COOPERATION AGREEMENT WITH THE CULVER CITY HOUSING AUTHORITY; AND
2. ADOPT RESOLUTION NO. 2012-R003 DESIGNATING THE CULVER CITY HOUSING AUTHORITY TO RECEIVE THE TRANSFER OF ALL HOUSING ASSETS, RIGHTS, POWERS, DUTIES, OBLIGATIONS, LIABILITIES AND FUNCTIONS PREVIOUSLY PERFORMED BY THE CULVER CITY REDEVELOPMENT AGENCY; AND

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Item A-3  
(continued)

3. AUTHORIZE THE CITY MANAGER AND CHIEF FINANCIAL OFFICER TO CREATE ADDITIONAL SPECIAL REVENUE FUNDS, AS APPROPRIATE, AND ADMINISTRATIVELY TRANSFER APPROPRIATIONS BETWEEN FUNDS AS NEEDED TO CARRY OUT THIS ACTION.

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**Recess**

The City Council recessed its meeting to the Housing Authority at 9:45 P.M.

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**Reconvene**

The City Council reconvened its meeting at 9:50 P.M., with all Councilmembers present.

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**Public Comment for Items Not On the Agenda (Continued).**

Mayor O'Leary invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson alleged that the Housing Authority agenda was not available online and the public was not notified; and he questioned how many agendas were made available in the Council Chambers for the public.

Discussion ensued between the City Council and staff regarding clarification that 25 copies of the agenda were printed and available in the Council Chambers; procedural issues; posting of the Housing Authority agenda; and the system for posting agendas to the website.

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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 9:56 p.m., the City Council adjourned its meeting to a meeting to be held on January 23, 2012.

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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 February 13, 2012



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MICHEÁL O'LEARY

MAYOR of the City of Culver City, California