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

June 4, 2012
6:30 p.m.

**Call to Order & Roll Call**

The meeting of the City Council was called to order at 6:30 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**

The City Council will adjourn to Closed Session to discuss the following item:

**CS-1** Conference with Legal Counsel - Existing Litigation
Re: City of Palmdale, et al. vs. Ana Matosantos et al.
Case No. 34-2012-80001154
Pursuant to Government Code Section 54956.9(a)

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**Recess**

The City Council recessed to Closed Session at 6:30 p.m.

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**Reconvene**

The City Council reconvened its meeting at 7:04 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 Phyllis Owens.

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**Presentations**

Item P-1

**Presentation of a Commendation to Harry Santo, as "Senior of the Year" for 2012**

Councilmember Sahli-Wells presented the commendation to Harry Santo.

Harry Santo thanked the City for the honor.

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

Councilmember Clarke encouraged everyone to go see Bed Fellows at the New American Theatre in Hollywood produced by Culver City residents Bill and Jeanine Stehlen; he announced a concert by the Culver City Symphony Orchestra on June 9 at Veterans Auditorium; and he noted that he and Councilmember Sahli-Wells would be experimenting with electronic documentation to eliminate paper agendas.

Vice Mayor Cooper indicated that he had also attended Bed Fellows and he expressed hope that the production would move to Culver City in the future; he encouraged residents to attend a Hydraulic Fracking Workshop on June 12 in Council Chambers; he expressed his personal views on hydraulic fracking; and he requested information from staff as to what options the City has.

Councilmember Sahli-Wells encouraged everyone to vote in the primaries and she expressed condolences on the recent death of active Fiesta Committee member Robert Rainey.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF ROBERT RAINEY.

Councilmember O'Leary reported a letter from Barry Schorr thanking Daniel Hernandez and the staff of the Plunge for their hard work, and he discussed an outreach for Expo Phase II at the Kirk Douglas Theatre on June 14.

Mayor Weissman announced the Second Annual Kids Are First Safety Festival at Bunnin Chevrolet on June 10 sponsored by Senator Curren Price and Culver City.

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

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Stephen Murray, Baldwin Hills Oil Watch, thanked the City Council for allowing use of the Chambers for the Hydraulic Fracking Workshop on June 12; invited everyone to attend; discussed hydraulic fracking; and permitting income vs. costs to the community.

Crystal Alexander, former City Treasurer, discussed the health and safety costs of fracking; the remediation costs; experiences of other communities; and she encouraged everyone to attend the workshop.

Marty Hente, Culver City Amateur Radio Emergency Service, discussed what they do and announced a demonstration of emergency capabilities on June 23-24 at the Emergency Center behind Fire Station 1.

Councilmembers thanked Mr. Hente for the information and acknowledged the importance of emergency communication.

David J. Baker discussed his request for a variance and fee waiver noting that that there was a $17,000 fee whether the building was a one-story home or a ten-story office building.

A discussion ensued between staff and Councilmembers regarding having an agendized discussion of Mr. Baker's request; the fee variance; the process; a request for additional information; concern with opening the door to a large number of waiver requests; a request to defer the matter until the budget process is completed; concern with granting a blanket fee waiver; fee recovery; additional information; a suggestion to renew the request in July; and agreement of staff to contact Mr. Baker when the item comes back.

Michelle Weiner discussed hydraulic fracking; noted the opportunity to weigh in on fracking at the upcoming workshop; expressed concern that there is no way to regulate hydraulic fracturing; she discussed effects of the process on Culver City; and she expressed support for a ban on it.

Gary Gless expressed support for a ban on fracking; he directed everyone to look for additional information on www.ccfasc.com; he discussed meeting with various groups and organizations that also support a ban on fracking; and he expressed concern that the process could trigger earthquakes.

Martin Cole, City Clerk/Assistant City Manager, read a written comment submitted by:

Neil Rubenstein

A discussion ensued between staff and Councilmembers regarding the Workshop scheduled for June 12; support for televising the meeting; clarification that the City has been working on regulations for the oil field for over four years; the intent of the City Council to make fracking regulations as strict as possible; and options available to municipalities.

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**Receipt of Correspondence**

None.

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**Consent Calendar**

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT ITEMS C-1 THROUGH C-8.

Item C-1

**(1) Acceptance of Work Performed by Fleming Environmental, Inc.; (2) Authorization to File a Notice of Completion; and, (3) Authorization to Release the Retention Payment upon Expiration of the 35-Day Lien Period, for the Culver City Park Playground Improvement Project, P-916**

Councilmember Sahli-Wells was pleased with the renovation and to see that the renovation was paid for by grants.

Councilmember Clarke reported positive feedback on the renovation and noted that even though the City is tightening up the budget, many innovative public works projects are being done and he congratulated staff on their work.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY FLEMING ENVIRONMENTAL, INC. FOR THE CULVER CITY PARK PLAYGROUND IMPROVEMENT PROJECT, P-916; AND,

2. AUTHORIZE THE PARKS DIVISION MANAGER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE; AND,

3. AUTHORIZE THE RELEASE OF $24,484.80 IN RETENTION FUNDS TO FLEMING ENVIRONMENTAL, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-2

**Approval of Three Special Permits to Allow Animals in Veterans' Memorial Park for 2012 during the Fiesta La Ballona**

THAT THE CITY COUNCIL: APPROVE SPECIAL PERMITS TO ALLOW ANIMALS IN VETERANS' MEMORIAL PARK FOR ENTERTAINMENT PURPOSES ON AUGUST 24, 25, AND 26, 2012 DURING FIESTA LA BALLONA TO: (1) FRECKLE FARMS FOR A PETTING ZOO AND PONY RIDES; (2) THE CULVER CITY POLICE DEPARTMENT FOR A K-9 DOG DEMONSTRATION; AND, (3) FANTASTIC FIG AND HIS CAT NEWTON FOR "WALK-AROUND PSYCHIC MAGIC."

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Item C-3

**Approval of a Professional Services Agreement with Guadagno & Sons to Supply the Carnival Rides for the Fiesta La Ballona with a Base Term of Three Years and an Option to Extend for One Additional Year**

Councilmember Clarke noted that in the future the City might have to play a smaller role in the funding and support of Fiesta La Ballona and he questioned whether that would affect the contract.

Discussion ensued between staff and Councilmembers regarding clarification that the contract would still be binding on the City if another entity took over responsibility for the Festival; inserting a provision in the contract to allow for cancellation; the standard City contract; and 30-day notice.

THAT THE CITY COUNCIL:

1. APPROVE A THREE (3) YEAR AGREEMENT [WITH AN OPTIONAL FOURTH YEAR] WITH GUADAGNO & SONS TO SUPPLY CARNIVAL RIDES FOR THE 2012, 2013, AND 2014 FIESTA LA BALLONA [AND 2015, SUBJECT TO APPROVAL BY THE CITY MANAGER, 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 C-4

**(1) Approval of a Professional Services Agreement with MB Herzog Electric, Inc. for Repair of the Landscape Lighting, Pathway Lighting and Electrical Receptacle Replacement at Town Plaza and (2) Approval of a Purchase Order with Prudential Lighting Products for the Purchase of Fixtures and Lamps that will be used in the Repair**

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MB HERZOG ELECTRIC, INC. IN THE AMOUNT OF $51,437.00 FOR THE REPAIR OF THE LANDSCAPE LIGHTING AND ELECTRICAL RECEPTACLE REPLACEMENT AT TOWN PLAZA; AND,

2. APPROVE A PURCHASE ORDER WITH PRUDENTIAL LIGHTING PRODUCT IN THE AMOUNT OF $39,910.00 FOR THE PURCHASE OF THE NECESSARY FIXTURES, LAMPS AND RECEPTACLES THAT WILL BE USED IN THE REPAIR; AND,

3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT-TO-EXCEED $2,572.00; AND,

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-5

**(1) Acceptance of Work Performed by Palp, Inc. dba Excel Paving; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment upon Expiration of the 35-Day Lien Period, for the 2011 Pavement Overlay Project, Phase 2, P-863**

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, PALP, INC. DBA EXCEL PAVING, FOR THE 2011 PAVEMENT OVERLAY PROJECT, PHASE 2, P-863; AND,

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 FOR RECORDATION; AND,

3) AUTHORIZE THE RELEASE OF RETENTION FUNDS TO PALP, INC., DBA EXCEL PAVING UPON EXPIRATION OF THE THIRTY-FIVE DAY LIEN PERIOD.

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Item C-6

**1) Accept Work Performed by Atlas Allied, Inc.; 2) Authorize the Filing of a Notice of Completion; and 3) Authorize the Release of Retention Funds Upon Expiration of the 35-Day Lien Period for the Construction of the Bristol Sewer Pump Station Improvements and Jasmine, Mesmer, Sewer Pump Stations Emergency Bypass Improvements, Project P-521**

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK BY THE CONTRACTOR ATLAS ALLIED, INC., FOR THE BRISTOL SEWER PUMP STATION IMPROVEMENTS AND JASMINE, MESMER, AND OVERLAND SEWER PUMP STATIONS EMERGENCY BYPASS IMPROVEMENTS, PROJECT P-521; AND,

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 FOR RECORDATION; AND,

3) AUTHORIZE THE RELEASE OF $27,059.92 IN RETENTION FUNDS UPON EXPIRATION OF THE 35-DAY LIEN PERIOD TO ATLAS ALLIED, INC.

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Item C-7

**(1) Reject the Bid Submitted by Pro Tech Engineering Corporation and (2) Award of Contract to Sully-Miller Contracting Company as the Lowest Responsive and Responsible Bidder for the Construction of Washington Boulevard and Washington Place Streetlight Improvement Project, P-853 & 684, and Induction Streetlight Conversion Project**

THAT THE CITY COUNCIL:

1) REJECT THE BID SUBMITTED BY PRO TECH ENGINEERING CORPORATION AS NON-RESPONSIVE; AND,

2) AWARD A CONTRACT TO SULLY-MILLER CONTRACTING COMPANY AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE WASHINGTON BOULEVARD AND WASHINGTON PLACE STREETLIGHT IMPROVEMENT PROJECT, AND THE INDUCTION STREETLIGHT CONVERSION PROJECT IN THE AMOUNT OF, $860,708.00; AND,

3) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED $100,000.00, IF NECESSARY; AND,

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-8

**(1) Acceptance of Work Performed by Steiny and Company, Inc.; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment upon Expiration of the 35-Day Lien Period; for the Washington Boulevard/Boise Avenue Pedestrian Crossing Signal, P-934, CDBG #REC092-10**

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, STEINY AND COMPANY, INC., FOR THE WASHINGTON BOULEVARD/BOISE AVENUE PEDESTRIAN CROSSING PROJECT, P-934, CDBG #REC092-10; AND,

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 FOR RECORDATION; AND,

3) AUTHORIZE THE RELEASE OF RETENTION FUNDS TO STEINY AND COMPANY, INC., UPON EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-9

**Approval of an Amendment to the Existing Professional Services Agreement with The Nickerson Company for General Public Works Inspection Services Support for the Public Works Division Related to the Exposition Light Rail Transit Project**

Mayor Weissman recused himself from the discussion and exited Council Chambers.

Discussion ensued between staff and Councilmembers regarding whether there was an inspector to ensure that the design of the project mitigated community impacts; traffic impacts; sound impacts; and clarification regarding plans to address issues as complaints arise.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL:

1) APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH THE NICKERSON COMPANY TO PROVIDE CONTINUED AS-NEEDED GENERAL PUBLIC WORKS INSPECTION SUPPORT FOR THE PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION'S ON THE EXPOSITION LIGHT RAIL TRANSIT PROJECT AT AN ADDITIONAL NOT-TO-EXCEED FEE OF $40,000; 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. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman returned to Council Chambers.

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**Order of the Agenda**

No changes were made.

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**Joint Action Items**

Item JA-1

**JOINT CITY COUNCIL/Housing Authority/Parking Authority/ Successor Agency AGENDA ITEM: Budget Study Session - City Manager's Proposed Budget for Fiscal Year 2012-2013: Presentation of the Results of a Ballot Measure Feasibility Study and Presentation of the Proposed Budgets for the City Council, City Manager's Office, City Clerk's Office, City Attorney's Office, Information Technology Department, Human Resources Department, Finance Department, Transportation Department and Parks, Recreation & Community Services Department, Fire Department, Police Department, Community Development [including the Parking Authority, Housing Authority and Successor Agency], and Public Works Department [including Capital Improvement Projects] (Note, the Fire Department, Police Department, Community Development [including the Parking Authority, Housing Authority and Successor Agency], and Public Works Department [including Capital Improvement Projects] are Scheduled for June 5, 2012.)**

Mayor Weissman introduced the item noting that it was a placeholder budget until issues are resolved with the elimination of redevelopment.

John Nachbar, City Manager, introduced Rick Sklarz with FM3, a public opinion research firm.

Rick Sklarz, FM3 Research, provided a presentation on a recently conducted survey to assess residents' attitudes toward the City and the budget.

Discussion ensued between Councilmembers and the speaker regarding the tendency for people to feel more supportive of their own community than toward the state; connectedness to the City; the timing of the questioning regarding the potential tax increase; tax fatigue; the sunset clause; Republican support; concern with creating a divisive issue in the community; ethnicities and age breakdown of the survey; the type of survey conducted; proportional representation of the community; tax resistant individuals; accuracy rate; experiences with other clients; successes at the state and local level; the likelihood of success on election day; the position of the City; the opportunity to educate the community; view of the City's fiscal responsibility; actions of the state; the Culver City Essential City Services Measure; making it very clear that local taxes would not go to Sacramento; the survey as a starting point for the dialogue; strategies and post election surveys; adjusting in an era of shrinking budgets; marketing the measure; focusing on the definite yeses; the number of measures being considered on the ballot; the Governor's measure; when a no campaign materializes; the schedule; whether Councilmembers can campaign for the measure; education rather than avocation; costs to place the measure on the ballot; the work of the City to place the measure in a good position; concern with conflicting answers in the survey; the availability of a large amount of information but limited retention; timing of the City budget vs. the state budget; irresponsible behavior by the state; hard choices faced by city governments; a proposed bill to affect sales tax that is supposed to go to the City government; the need to create revenue; community meetings; educating the public as to what has already been done; and eliminating or cutting back on services.

Discussion ensued between staff and Councilmembers regarding the upcoming schedule; a community dialogue series on City finances; community outreach; ensuring that adequate information is available on the City website; and clarification regarding the language on local ballot initiatives.

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**Recess**

The Mayor announced the City Council would recess to allow the opportunity for the Council Chambers to be readied for Departmental budget presentations. The City Council stood in recess at 9:26 p.m.

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**Reconvene**

The City Council reconvened its meeting at 9:34 p.m. with all Councilmembers present.

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The City Council resumed consideration of this item. Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Gary Silbiger discussed fiscal responsibility; money spent by the City on attorney expenses; availability of information; monetary priorities; the power to set priorities and enact public policies; consultants; providing information on consultants for each department; the review of City fees; fee recovery; and finding money to spend within the City.

Jeff Muir, Chief Financial Officer, provided a recap of budget information and adjustments.

Discussion ensued between staff and the City Council regarding the General Fund appropriation; the Rental Assistance Program; blight buster; farmers market funding; business license fees and penalties; asset seizure; the beverage container recycling grant; county property taxes; elimination of funds; lifetime benefits; non-departmental appropriations; credit card fees; the reverse 911 service; insurance premiums; the increase in the summary of appropriations in general government; the gas tax; TDA3 Bikeways; management of the parking lots; the Parking Authority; the effectiveness of capturing all available revenue; business tax; measures to reduce paper flow in City Hall; a suggestion to create a Public Finance Committee to work on revenue enhancement and expenditure reduction; other contract services; measures to reduce energy and water use; contingencies; retiring medical pre-funding fees; general court fees; red light cameras; special police services; the possibility of selling Fire Station 3; costs to maintain properties waiting to be sold; consolidating the oversight of retiree benefits; tracking citation payments; expected revenue from citations; land sale proceeds; the City Manager's Work Plan; elimination of the state and Federal lobbying contract; making use of lobbyists from organizations the City belongs to; and the innovation fund.

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

Discussion ensued between staff and the City Council regarding contractual services; clarification that the state has contracted with the videographer for the Fracking Workshop; minimizing the use of outside contractors; college interns; appreciation for the foresight of the City Manager to save positions for the redevelopment employees; the recommended increase in regular salary; status of the Housing Authority; concern with the vacant Deputy City Clerk position; the City Clerk work plan; paper reduction goals; the email voter opt-in program; election consolidation; the next scheduled charter review committee; a limited charter review; all mail elections; and whether the school district is interested in consolidating.

Carol Schwab, City Attorney, provided a summary of the material of record.

Discussion ensued between staff and the City Council regarding the use of outside contract services; the Los Angeles Times article; whether additional use of contract services could benefit the City; the Armory Lease; the plastic bag and oil drilling ordinances; the Wende Museum; the spike in activity due to the PXP lawsuit; expertise and constantly changing laws; the self- insurance fund; trends that suggest a policy change; cost effectiveness of outside contractors; cost benefit analysis; distinguishing the nature of the attorney fees; pipeline franchise renewals; monitoring of case law; and cell tower sitings.

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**Action Items**

Item A-1

**Approve as Permanent the Ten Temporary Speed Humps Installed on Culver Park Drive and Segrell Way**

This item was deferred.

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**Public Comment for Items NOT On the Agenda (Continued)**

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Cary Anderson expressed frustration with public notice for the meeting scheduled for June 5, 2012 noting that public awareness was low due to the lack of posting of notice on the City's website.

Discussion ensued between staff and Councilmembers regarding acknowledgment of Mr. Anderson's concerns; places where the meeting is noticed; historical precedent for the budget meeting procedures; the government code; and posting of the notice of adjournment.

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**Items from the City Council**

**Items from Councilmember Sahli-Wells**

- Thanked staff for staying so late

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**Adjournment**

There being no further business, at 11:35 p.m., the City Council adjourned its meeting in memory of Robert Rainey to a meeting on Tuesday, June 5, 2012 at 6:30 p.m.

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Martin R. Cole

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