THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE CITY COUNCIL CULVER CITY, CALIFORNIA	February 25, 2013 5:00 p.m.

Call to Order & Roll Call

Mayor Weissman called the meeting of the City Council to order at 5:00 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 5:00 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel – Existing Litigation
Re: Rush Pacifica vs. Culver City Redevelopment Agency, et. al.
Case No. Los Angeles Superior Court No. SC113332
Pursuant to Government Code Section 54956.9(a)

CS-2 Public Employee Performance Evaluation
Title: Fire Chief
Pursuant to Government Code Section 54957

CS-3 Conference with Labor Negotiators
City designated representatives: City Manager John M. Nachbar; Human Resources Director Serena Wright
Employee Organization: Culver City Employees Association; Culver City Management Group; Culver City Police Officers Association; Culver City Fire Fighters Association; Culver City Police Management Group; Culver City Fire Management Association; City Attorney
Pursuant to Government Code Section 54957.6

CS-4 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(b)(1)

CS-5 Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – 1 Matter
Pursuant to Government Code Section 54956.9(c)

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Reconvene

The City Council reconvened its meeting at 7:06 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 Richard Rownak.

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Report on Action Taken in Closed Session

Mayor Weissman indicated there was nothing to report from closed session.

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Community Announcements By City Council Members/Information Items From Staff

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF CULVER CITY HIGH SCHOOL SOCCER COACH DAVE SANCHEZ AND IN MEMORY OF THE ASSOCIATE PASTOR OF SAINT AUGUSTINE’S CHURCH, FATHER RICHARD GLEASON.

Councilmember Sahli-Wells announced a meeting of the City Council/School Board Liaison Committee on March 4 in the Patacchia Room, and she encouraged everyone to sign up for Community Emergency Response Training on March 5, 9, 16, and 23.

Technical difficulties occurred with the sound in Council Chambers and a portion of Councilmembers Sahli-Wells and O'Leary's comments were inaudible.

(Note from the City Clerk: While a portion of the comments made by Councilmembers was not audible on the recording devices, the City Council did not take any actions during this period of technical difficulties.)

Councilmember O'Leary expressed regret at the passing of Father Richard Gleason, announced a viewing on Wednesday, February 27 with the funeral on February 28, and he discussed Father Gleason's life and service.

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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:

David Von Cannon, Tellefson Park Neighborhood Association, reported a serious traffic incident on Culver Boulevard involving a Culver City police car; he expressed concern with traffic and congestion in the area; discussed the widening of the 405 freeway; Tilden Terrace; and he suggested investigating the possibility of a crosswalk in the area.

Margot Bennett, Women Against Gun Violence, requested that Councilmembers agree to place consideration of support of Senator Dianne Feinstein's Assault Weapons Ban, and a vote to join Mayors Against Illegal Guns on the next City Council agenda.

Councilmembers agreed to place the items on the agenda and discussed scheduling.

Carlene Brown quoted Thomas Jefferson; discussed moral interests and moral rights; expressed appreciation to Councilmembers who supported the One Billion Rising event; discussed the gun lobby; staff recommendations; gun legislation endorsements; Mayors Against Illegal Guns; Gabby Giffords' organization; electing members of Congress not supported by the National Rifle Association; the Executive

Order given by President Obama to reduce gun violence; and she read a quote from Democracy One Day at a Time.

Richard Rownak expressed support for comments made by the previous two speakers; discussed parking issues; changes in the 4400 block of Sepulveda Boulevard that resulted in a loss of parking; he reported contact with code enforcement; discussed compliance; expressed concern with blight; and asked for help in addressing the problem.

Mayor Weissman received clarification that sound issues with the meeting broadcast were being rectified.

Karlo Silbiger discussed his experiences as a student in the Culver City Unified School District; the passing of Culver City school teacher Dave Sanchez; and he asked that the meeting be adjourned in his memory.

Michael Donahue, Lyfe Kitchen, introduced himself and expressed gratitude to the City and to the community; discussed their employees and suppliers; catering; online ordering; partnership with the community; he announced the grand opening on March 8; he thanked Seth Horowitz; and he discussed partnerships with local charities.

Councilmember O’Leary apologized for being unable to make the opening earlier in the day.

Councilmember Clarke reported attending the opening.

Eric Sims, Kirk Douglas Theatre/Downtown Business Association, introduced the new Executive Director of the Downtown Business Association, Sylvia Bianchi.

Sylvia Bianchi expressed excitement about being part of the community.

Michelle Weiner thanked the City Council and members of the School Board for supporting One Billion Rising; she discussed the correlation between gun ownership and domestic violence; the decline in violent crimes in the City; background checks; and she asked that the City Council resolve to reduce access to hand guns and ammunition in the City and the state.

Christopher Patrick King, Culver City Rotary Club, invited everyone to the Follow the Yellow Brick Road Service and

Friendship event on March 14 honoring Community Heroes Mike Cohen and the Culver City Education Foundation.

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Receipt and Filing of Correspondence

The City Council received and filed correspondence.

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Joint Consent Calendar

Item JC-1

JOINT CITY COUNCIL, HOUSING AUTHORITY AND SUCCESSOR AGENCY AGENDA ITEM: Cash Disbursements

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR FEBRUARY 2, 2013 – FEBRUARY 15, 2013.

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Item JC-2

JOINT CITY COUNCIL AND SUCCESSOR AGENCY AGENDA ITEM: Conditional Approval of a Settlement Agreement with Rush Pacifica LLC Relating to Termination of Disposition and Development Agreement Related to Parcel B

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AND SUCCESSOR AGENCY BOARD:

1. APPROVE A SETTLEMENT AGREEMENT BETWEEN THE CITY, THE SUCCESSOR AGENCY, AND RUSH PACIFICA LLC CONTAINING THE TERMS AND AMOUNTS INDICATED IN THIS STAFF REPORT (WITH THE SUCCESSOR AGENCY'S APPROVAL BEING CONDITIONAL UPON APPROVAL OF THE OVERSIGHT BOARD AND THE STATE DEPARTMENT OF FINANCE); AND,

2. AUTHORIZE THE CITY SPECIAL COUNSEL/SUCCESSOR AGENCY SPECIAL 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 SUCCESSOR AGENCY,

RESPECTIVELY.

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Consent Calendar

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-7.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF JANUARY 28, 2013, SPECIAL MEETING OF FEBRUARY 4, 2013 AND THE REGULAR MEETING OF FEBRUARY 11, 2013.

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Item C-2

Adoption of a Resolution Authorizing the City Manager or Designee to Execute Any Actions Necessary for the Purpose of Obtaining Financial Assistance Provided by the California Emergency Management Agency Under the Proposition 1B Transit Security Grant Program

THAT THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ANY ACTIONS NECESSARY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE PROVIDED BY THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY UNDER THE PROPOSITION 1B TRANSIT SECURITY GRANT PROGRAM.

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Item C-3

Approval of Final Plans and Specifications and Authorization to Advertise for Bids for the Citywide Sidewalk Repair Project, P-428

THAT THE CITY COUNCIL APPROVE THE FINAL PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISING FOR BIDS FOR CONSTRUCTION FOR THE CITYWIDE SIDEWALK REPAIR PROJECT, PZ-428.

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Item C-4

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Slauson Avenue, Jefferson Boulevard, and Selmaraine Drive

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE; 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-5

Adoption of a Resolution Authorizing the Destruction of Certain Documents in the Police Department

THAT THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO DESTROY CERTAIN OBSOLETE RECORDS AS LISTED IN EXHIBIT A OF THE PROPOSED RESOLUTION.

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Item C-6

Approval of a Purchase Order with Hewlett Packard for Hardware, Software and Service Support for the Smart Bus Network Upgrade in an Amount Not to Exceed $132,440

THAT THE CITY COUNCIL:

1. APPROVE A PURCHASE ORDER WITH HEWLETT PACKARD IN AN AMOUNT NOT TO EXCEED $132,440 ($120,000 PLUS $12,440 IN 10% CONTINGENCY) FOR THE PURCHASE OF HARDWARE, SOFTWARE AND

MAINTENANCE SUPPORT FOR THE SMART BUS NETWORK UPGRADE, AND,

2. AUTHORIZE THE PURCHASING OFFICER TO EXECUTE THE PURCHASE ORDER ON BEHALF OF THE CITY.

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Item C-7

Approval of a First Amendment to the Disposition and Development Agreement and Grant Deed Covenant for the Property Located at 5640 Sepulveda Boulevard

THAT THE CITY COUNCIL:

1. APPROVE A FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT AND GRANT DEED COVENANT AFFECTING 5640 SEPULVEDA BOULEVARD IN ORDER TO REDUCE THE MINIMUM FLOOR AREA REQUIREMENT FOR AN ALTERNATE USE FROM 12,500 SQ. FT. TO 8,500 SQ. FT.; 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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Action Items

Item A-1

Discussion of the City’s Proposed Participation in the Upcoming CicLAvia Event Scheduled for April 21, 2013, including Potential Allocation of City Resources and/or Funds, and Direction to City Manager

Charles Herbertson, Public Works Director, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding the Sony Matching contribution; clarification on who would cover any shortfall; the hub; insurance; production costs; and City labor costs.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Aaron Paley, CycLAvia, explained the nature of the event.

Discussion ensued between the speaker and Councilmembers regarding access; crossing points; format; procedure; impacts to businesses along the route; identifying Culver City; eastbound traffic on Venice Boulevard; the traffic plan with the City of Los Angeles; the hub; the potential number of visitors to Culver City; and sit down restaurants along the route.

Eric Sims, Downtown Business Association, expressed support for the event noting that they were dedicating resources to support it.

Seth Horowitz, The Culver Hotel, expressed support for the event; discussed prior years when the event was held; the location of Culver City along the route of the event; costs to the City; and benefits to the City.

Michelle Weiner, Transition Culver City, discussed her participation in previous CycLAvia events; sustainability; and goals of Transition Culver City.

Eric Bruins thanked the City for their support of the recent bicycle race in town; discussed the origins of CycLAvia; and event hours.

Discussion ensued between staff and Councilmembers regarding support for the event; benefits to local businesses and the City; Planning; Public Works; safety; signage; involving residents; encouragement to residents to participate in fundraising and invest in the event; individual donations; costs to the City; the fact that the City is a hub; using Parcel B; traffic implications; concern with funding this event when support to other events has been cut; and economic development.

Councilmember O’Leary moved that Culver City be the hub for

CycLAvia; spend $12,500 for the event; approve the closure of Main Street; and make use of Parcel B for the event.

Additional discussion ensued between Councilmembers and Aaron Paley regarding Metro construction.

Vice Mayor Cooper indicated that he supported the event, but mentioned that in the recent campaign for Measure Y the City explained that the City was experiencing difficult financial times. He added that there were a number of persons who were making donations for the event and suggested perhaps an additional $12,500 could be donated to cover the City’s costs.

Mayor Weissman indicated his support for the event as an opportunity for economic development.

Councilmember Sahli-Wells seconded the motion and suggested that the City become a co-sponsor. Councilmember O’leary accepted tis suggestion as part of his motion.

Vice Mayor Cooper received clarification that co-sponsorship would not cost the City anything since the City would already be expending over $1,000 in Police and Public Works Services.

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

1. APPROVE MAIN STREET AS A HUB FOR CYCLAVIA; AND

2. ALLOCATE $12,500 IN CITY FUNDS FOR POLICE AND PUBLIC WORKS SERVICES; AND,

3. APPROVE THE CLOSURE OF MAIN STREET TO AUTOMOBILE TRAFFIC FROM APPROXIMATELY 6:00 A.M. UNTIL APPROXIMATELY 5:30 P.M. TO 6:00 P.M. ON SUNDAY, APRIL 21 2013; AND,

4. APPROVE THE USE OF PARCEL B FOR THE EVENT; AND,

5. APPROVE OFFICIAL CO-SPONSORSHIP OF CYCLAVIA BY THE CITY.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

ABSTAIN: NONE

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Item A-2

Appointment of Members to the Finance Advisory Committee

Discussion ensued between Councilmembers and staff regarding clarification that business owners received information regarding qualifications that are part of the bylaws of the Finance Advisory Committee; elected or appointed officials are not eligible to serve on the committee including commissioners and committee members; the bylaws were adopted in October 2012; the committee would not be an ad hoc committee; and the committee would operate under the Brown Act.

Mayor Weissman requested that business owner applicants who choose to speak indicate whether they have met the qualifications.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Michel Chaghori introduced himself and thanked the City Council for their consideration.

Discussion ensued between Councilmembers and staff regarding the number of applicants that were ineligible to serve.

Harden ‘Alex’ Fisch, a resident applicant, reported representing a municipality as a Chapter 9 debtor and he indicated that he was present to answer any questions.

Discussion ensued between staff and Councilmembers regarding application requirements for business owners; the staff report; eligibility of candidates; notification; proper vetting of the candidates; the selection process; whether the business applicants had business licenses; endorsement of applicants; a suggestion to consider resident applicants now and business applicants at a later date; applicants who applied in both categories; and support for continuing the matter.

James Everett Wright provided background on himself.

Stephen Murray indicated that he was applying as both a resident and a business owner; suggested increasing the number of seats on the Committee to take advantage of the quality and enthusiasm of the applicants; discussed responses to application questions; community objectives; the importance of reducing the impact on City resources during the information gathering phase; and he indicated what he would do if appointed to the Committee.

David Trovato introduced himself and indicated that he was applying as a resident and as a business owner.

Goren Eriksson indicated that he was applying as a resident and as a business owner and was available to answer questions.

Alejandro Lara discussed the evolution of Culver City; civic engagement and participation; and he indicated that he was available to answer any questions.

James Harris provided background on himself and discussed his experience on the Citizen’s Budget Advisory Committee for the Culver City Unified School District.

Steven Rose, Culver City Chamber of Commerce, indicated that he was not an applicant; reported that the Chamber felt that any business representative should hold a Culver City Business License; and he indicated that he had provided a list of those businesses without a license to staff.

Christopher Patrick King noted that he understood that he was no longer eligible to serve on the committee; he echoed earlier comments made by Stephen Murray; and he asked that it be stated on future applications that if you are currently a member of a committee or commission that you are not eligible to apply.

Steve Reitzfeld indicated that he had applied as a resident; reported serving on the Landlord Tenant Committee but noted that he would be willing to step down from that position if appointed to the Finance Advisory Committee.

Karen Coyle provided background on herself and indicated that she was available to answer questions.

Wendy Hamill indicated that she had applied as a resident and she provided background on herself noting that she served as the former Chief Financial Officer for the Didi Hirsch Community Mental Health Center.

Mayor Weissman reported that the item would come back at a later date for consideration and he requested there be categories for residents and for qualified businesses.

Discussion ensued between staff and Councilmembers regarding whether a person can apply if they currently serve in another capacity and then step down from that position in order to serve on the new committee; a suggestion to clarify eligibility on the application form and indicate willingness to step down from a current commission or committee on the application; the boiler plate application; readability of the form; application questions that are relevant to the committee; frustration with the application process; and valuing the time of the applicants.

Councilmember O'Leary noted that he had been out of the country and he encouraged those who were unable to contact him previously to try again.

Vice Mayor Cooper expressed concern that a Commissioner had exited Council Chambers before it was noted that they would be eligible to serve if they were willing to step down and he wanted to make sure that person was notified of their option.

Councilmember Sahli-Wells received clarification that an email would be sent to applicants explaining the situation and next steps in the process.

John Nachbar, City Manager, apologized to the City Council for the mishandling of the item.

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Item A-3

Appointments of Members to the Fiesta La Ballona Committee

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Randy Arizmendiz thanked the City Council for responding to his questions and he provided background on himself.

Ronnie Jayne was pleased that the event was being made official and noted that she was available to answer any questions.

Vice Mayor Cooper asked applicants in the audience who did not speak to state their name.

Councilmember O'Leary clarified that if Marcus Tiggs were appointed to the Fiesta La Ballona Committee, he would be ineligible for the Finance Advisory Committee which he also applied for.

Discussion ensued between Councilmembers regarding the remaining unfilled position.

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

1. APPOINT RONNIE JAYNE TO FILL OFFICE #1 FOR A TERM, EXPIRING JUNE 30, 2016;

2. APPOINT KAREN GIBBS TO FILL OFFICE #2 FOR A TERM EXPIRING JUNE 30, 2016;

3. APPOINT RANDY ARIZMENDIZ TO FILL OFFICE #3 FOR A TERM EXPIRING JUNE 30, 2016;

4. APPOINT MARCUS TIGGS TO FILL OFFICE #4 FOR A TERM EXPIRING JUNE 30, 2016;

5. APPOINT STEPHEN M. FRY TO FILL OFFICE #5 FOR A TERM EXPIRING JUNE 30, 2014;

6. APPOINT BETH HYATT TO FILL OFFICE #6 FOR A TERM EXPIRING JUNE 30, 2014;

The City Council determined that the new Committee and staff could monitor the functioning of the Committee with six members (leaving Office #7 vacant). If there was a need, staff would report to the City Council and request advertising for applicants for Office #7.

Mayor Weissman thanked the applicants for their willingness to serve the City.

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Item A-4

Discussion of a Request from the City Council's Appointees to the City Council/CCUSD Board Liaison Committee Related to Direction Regarding the Use of the Mike Balkman Council Chambers by the Culver City Unified School District Board of Education and Direction to City Manager

Councilmember Sahli-Wells expressed support for rescheduling the monthly Cultural Affairs Commission meeting in order to accommodate the School Board so that they can hold both their monthly meetings in City Council Chambers.

Vice Mayor Cooper expressed support for accommodating the School Board but he did not want to displace the Cultural Affairs Commission unless they were willing to move.

Mayor Weissman received clarification that the Cultural Affairs Commission had not been notified that this item was on the agenda.

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Karlo Silbiger, Culver City School Board, provided background on the item; discussed the issue of comfort and the importance of the live telecast; school district headquarters; the ability of the public to participate; space issues at the district location; and rescheduling the Commission meeting on a different Tuesday.

Nancy Goldberg, Culver City School Board, noted the importance of transparency in the community and of making the meeting available to students.

Mayor Weissman suggested holding the matter over until Cultural Affairs Commissioners had a chance to weigh in on the matter.

Jeremy Green, Management Analyst, read written comments submitted by:

Marla Koosed
Gayle Smashey

Discussion ensued between Councilmembers regarding deferring action on the item until the Cultural Affairs Commission could discuss it; the vote of the City Council on the matter in February 2011; the application process for the Commission; the success of School Board meetings in Council Chambers; a suggestion that both Commissions that meet on Tuesday try to accommodate the School Board; and whether the School Board was willing to change their meeting dates.

Karlo Silbiger reported that the School Board needed to meet on a Tuesday evening and he indicated that he would check to make sure that there was flexibility on their part.

Discussion ensued between staff and Councilmembers regarding School Board meetings; City staff; school administration; School Board identity; a suggestion that School Board members attend the Tuesday Commission meetings to discuss the matter; the minutes for the item in 2011; the number of people who attend the School Board meetings vs. the number of people who attend Commission meetings; and a suggestion to move the Commission meeting to the Patacchia Room.

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Joint Public Comment – Items Not on the Agenda

Mayor Weissman invited public comment.

Jeremy Green, Management Analyst, read a written comment submitted by:

Linda Taylor

Mayor Weissman requested additional information from staff on proposed changes to the basketball courts at Fox Hills Park.

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Items from Staff

John Nachbar, City Manager, reported that staff was working on how to address audio/visual issues in the room.

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Items from the City Council

Items from Councilmember O'Leary

- Announced Ford Driving Skills, a teen safety driving event, at Hollywood Park on March 1-3

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Adjournment

There being no further business, at 9:26 p.m., the City Council adjourned its meeting in memory of Culver City High School Soccer Coach Dave Sanchez, and Associate Pastor of Saint Augustine's Church, Father Richard Gleason, to a meeting on Monday, March 11, 2013 at 7:00 p.m.

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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

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE CITY COUNCIL
CULVER CITY, CALIFORNIA

March 11, 2013
6:30 p.m.

Call to Order & Roll Call

Mayor Weissman called the meeting of the City Council 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

At 6:30 p.m., the City Council recessed to Closed Session to discuss the following item:

CS-1 Conference with Legal Counsel – Existing Litigation
Re: City of Culver City, et al. v. Ugo Pascarella, et al.
Case No. SC115351
Pursuant to Government Code Section 54956.9(a)

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Reconvene

The City Council reconvened its meeting at 7:05 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 Rich Kissel.

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Report on Action Taken in Closed Session

Mayor Weissman indicated there was nothing to report from closed session.

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Presentations

Item P-1

Presentation of Commendations and Presentation of Funds Raised by the Friends of the Culver City Dog Park to the City

Vicki Daly Redholtz presented a check to the City in the amount of $35,000 to help pay for the lights in the Culver City Dog Park, thanked the City Council and members of the Friend’s Board, and she provided a presentation on the Dog Park.

Vice Mayor Cooper presented commendations to NantWorks and to Friends of the Culver City Dog Park.

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Community Announcements By City Council Members/Information Items From Staff

Martin Cole, Assistant City Manager/City Clerk, asked that the City Council adjourn to March 26, 2013 rather than the regularly scheduled date as March 25, 2013 is the first night of Passover.

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 TIM HARRELL, FATHER OF CITY MANAGER’S OFFICE EMPLOYEE KATHLEEN HARRELL AND IN MEMORY OF WAYNE SCOTT, LONGTIME INSTRUCTOR AND ADMINISTRATOR AT CULVER HIGH.

Councilmember Sahli-Wells reported that on March 12 the Los Angeles County Board of Supervisors would be deciding whether to have the Clean Water Clean Beaches Measure assessment, and she announced the annual fundraiser for Friends of the Youth Health Center on March 16 at the Culver City DoubleTree by Hilton.

Mayor Weissman invited everyone to attend the Annual Mayor’s Lunch on April 10 at the DoubleTree, sponsored by the Chamber of Commerce.

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This item was taken out of sequence.

Receipt and Filing of Correspondence

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

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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:

Fred Yglesias discussed the anniversary of the first around the world trip in an airplane by the United States Army.

Michael Laase, Friends of the Culver City Library, discussed a planned facelift of the Julian Dixon Library in advance of the 100th anniversary in 2015, and she announced a fundraiser at Menchies Yogurt on Sawtelle from March 17-19.

Rich Waters thanked Councilmember O’Leary for helping get two ficus trees removed on his street; he expressed frustration with the length of the process and with the process itself; and he discussed the Street Tree Master Plan.

Discussion ensued between Councilmember Sahli-Wells and Mr. Waters regarding the Street Tree Master Plan; efforts to save the trees; actions taken by the City; concern with delays and the chance of further infection; and the opinion of the arborists.

Councilmember O'Leary announced that significant construction would be done on the Sepulveda bridge from March 13-29 and he encouraged people to visit buildexpo.org to see how commutes could be impacted.

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Joint Consent Calendar

Item JC-1

JOINT CITY COUNCIL, HOUSING AUTHORITY AND SUCCESSOR AGENCY AGENDA ITEM: Cash Disbursements

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR FEBRUARY 16, 2013 – MARCH 1, 2013.

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Consent Calendar

Item C-1

Approval of an Amendment to the Existing Professional Services Agreement with VCA Code Group for Building Inspection Services

Councilmember O'Leary asked about the building inspection fiscal analysis, the budget amendment, and fiscal benefits to the City.

Sol Blumenfeld, Community Development Director, discussed the report of the Chief Financial Officer on budget amendments; the commercial and industrial tax and increase in revenues; appropriate plan checks and inspection activity; increases in commercial and industrial permitting; increased business activity that needs to be addressed; and contractual services to meet the demand.

Discussion ensued between staff and Councilmembers regarding efforts to expedite the process and address building inspection needs to help businesses open sooner; clarification that costs would be more than made up in fees and revenues; and corrections to typos in Exhibit C.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH VCA CODE GROUP FOR AS-NEEDED BUILDING INSPECTION SERVICES IN AN ADDITIONAL AMOUNT NOT-TO-EXCEED $35,000 FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED $65,000; 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.

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Item C-2

Approval of an Agreement with J & G Sweeping and Maintenance to Provide Cleaning Services in Downtown Parking Structures

Councilmember O'Leary indicated that he had received clarification that water used to clean the parking structures would be recaptured and reused.

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH J & G SWEEPING AND MAINTENANCE TO PROVIDE CLEANING AND MAINTENANCE SERVICES IN THE THREE DOWNTOWN PARKING STRUCTURES; 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

Adoption of a Resolution Authorizing Submittal of Application(s) for all CalRecycle Grants for which the City of Culver City is Eligible, Including, the Household Hazardous Waste Discretionary Grant Program

Councilmember O'Leary received clarification that generally interest was not recouped for reimbursable grants from money that is set aside, and that the amount was negligible.

Vice Mayor Cooper thanked Ms. Vargas and Mr. Skinner for finding the grant.

THAT THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF CULVER CITY IS ELIGIBLE, INCLUDING, THE HOUSEHOLD HAZARDOUS WASTE DISCRETIONARY GRANT PROGRAM.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-3.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Introduction of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal, Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, and Table 2-11 to Add "Food Retail" To the List of Permitted Uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to Establish Parking Requirements for "Food Retail"; and Section 17.700.010 to Add a Definition for "Food Retail" (Zoning Code Amendment, ZCA P-201170)

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

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF MAILING AND POSTING OF PUBLIC NOTICE.

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

Discussion ensued between staff and Councilmembers regarding the parking ordinance; takeout uses; the food retail definition; wine bars; origin of the changes; changes to the parking ordinance in 2010; transition of uses to retail; impacts to existing food retail shops; new established uses; legal non-conforming; change of use; and clarification regarding square footage listed on page 234.

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Rich Waters questioned whether Culver City should become a city full of places serving snack food given obesity issues in America.

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

Kevin Lachoff

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

Discussion ensued between staff and Councilmembers regarding clarification that the City is not trying to encourage snack uses but rather to address their existence; addressing obesity issues; neighborhood serving shops; bicycle parking requirements; responding to the needs of those who are driving, walking and biking to the locations; zoning requirements; dissonance between the zoning ordinance and the Bicycle Master Plan; bicycle parking requirements; current zoning ordinance requirements; increasing bicycle parking; and consensus of the City Council that the Planning Commission look at a text amendment to bring the zoning ordinance and the Bicycle Master Plan into agreement.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE, SECTION 17.220.0015, TABLE 2-5; SECTION 17.230.015, TABLE 2-8; SECTION 17.260.035, AND TABLE 2-11 TO ADD "FOOD RETAIL" TO THE LIST OF PERMITTED USES IN THE COMMERCIAL AND INDUSTRIAL ZONES; SECTION 17.320.020.H, TABLE 3-3B TO ESTABLISH PARKING REQUIREMENTS FOR "FOOD RETAIL"; AND SECTION 17.700.010 TO ADD A DEFINITION FOR "FOOD RETAIL" (ZONING CODE AMENDMENT, ZCA P-201170).

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Item PH-2

Introduction of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.400.100 – Residential Uses – Accessory Residential Structures and Section 17.610.020 – Nonconforming Structures (Zoning Code Amendment ZCA P-2011100)

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF MAILING AND POSTING OF PUBLIC NOTICE.

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

Thomas Gorham, Planning Manager, provided a summary of the material of record.

Discussion ensued between Councilmembers and staff regarding notification to abutting property owners; clarification regarding legal non-conforming; plans already in process; new submittals after the ordinance is adopted; the definition of wet bar and kitchen; concerns of the Planning Commission; distinguishing features of second units; concerns that a wet bar could morph into a kitchen; turning accessory structures into second units; code enforcement issues; compliance; whether there has been an increase in plan checks since the issue came up in 2011; complaints regarding accessory structures; additions to accessory structures; initiation of the text amendment; unintended consequences of the current zoning restrictions; timing of resident notification; discretionary action; building plan submittal; courtesy notice; concern with providing false hope to neighbors that they can stop the construction; allowing opportunity to plan for the inconvenience of the construction; and making contact information available to the neighbors in the notice and on the worksite.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Lyndon Stambler discussed location filming; the addition built by his neighbors; zoning ordinances that should have stopped that structure; R-1 zoning; he expressed hope that the City Council would prevent this from happening to anyone else; he discussed notice by builders; the notification period; increased parking requirements; and preserving the Carlson Park neighborhood.

Discussion ensued between Councilmembers and staff regarding timing of noticing and what would be included in the notice; caveats and clarifications in the notice; and a suggestion that the appropriate time to give notice is when the application is filed with the building department.

Tom Camarella discussed the courtesy notice; mistakes made by the building department; concern that he is stuck with a huge structure 23 inches from his property line; making sure that projects are done correctly; noticing requirements; he received clarification that a wet bar was not allowed in the current changes; he questioned why a three-quarter bath was allowed rather than a half bath; he discussed height restrictions; concern that if a structure is infested with termites it can be replaced with a larger structure; the total volume; measuring from the foundation; he expressed concern with patchwork zoning and felt that an overhaul of the system was needed; he discussed costs to the City; and willingness of professionals in the community to help.

Discussion ensued between Mr. Camarella and Councilmembers regarding legal non-conforming structures; catastrophic events; and termites.

Sol Blumenfeld, Community Development Director, agreed to make additional information available to the speaker and to City Councilmembers noting that staff had spent a lot of time addressing the issues.

Eleanor Osgood echoed previous comments made; expressed concern that the same things keep happening; she discussed zoning; neighborhood design guidelines; the General Plan; piecemeal zoning; public notification; and she questioned why one property owner gets to build their dream house at the expense of their neighbors.

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

Councilmember Sahli-Wells received clarification regarding the definition of a three-quarter bath.

Sol Blumenfeld, Community Development Director, discussed public notice; bathroom allowances; wet bars; the height of the structure; legal non-conforming buildings; a disconnect between building and planning; catastrophic issues; the measurement of building height; the zoning ordinance; and volume vs. square footage.

Discussion ensued between Councilmembers and staff regarding support for the changes as a way to address concerns; the costs and frequency of General Plan updates; amendments to the Housing Element; planning efforts; detailed TOD planning; multi-family guidelines; neighborhood consistency issues; dealing with issues through text amendments; the previous zoning ordinance update; notice of construction; being a good neighbor; addressing neighbor concerns; balancing homeowner rights while protecting neighbor rights; non-conforming setbacks; property lines; Neighborhood Design Guidelines; staff discretion; protocol; tips from the public; corrective ordinance changes; corrections to the text of the amendment; clarification that the code refers to legal non-conforming structures; force majeure; consistency; amending existing provisions; clarifying causes for replacement; whether the structure has to be replaced according to current code; missteps at the time of permit issuance; administrative language; legal terms; clarity of language; and reports that residents do not read notifications due to complicated language.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O’LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE, SECTION 17.400.100 – RESIDENTIAL USES – ACCESSORY RESIDENTIAL STRUCTURES AND SECTION 17.610.020 – NONCONFORMING STRUCTURES (ZONING CODE AMENDMENT ZCA P-2011100).

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Action Items

Item A-1

Introduction of an Ordinance Amending Chapter 15.06, New Development Fees, of the Culver City Municipal Code, by Repealing and Replacing Sections 15.06.100 through 15.06.175

with New Sections 15.06.100 through 15.06.180, Relating to the Art in Public Places Program

Christine Byers, Public Art and Historic Preservation Coordinator, provided a summary of the material of record.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Michelle Bernardin expressed support for the item and she asked that the Historic Preservation ordinance be updated as well.

In response to concerns raised by Mayor Weissman, Carol Schwab, City Attorney, cautioned Cultural Affairs Commissioners present not to speak in a way that could create dialogue or to make overlapping comments that could be construed to be building consensus.

Marla Koosed expressed support for the item and indicated that she was available to answer questions.

Regina Klein expressed support for comments made by Michelle Bernardin and questioned whether an assessment or plan had been made for historic structures.

Discussion ensued between staff and Councilmembers regarding implementation and enforcement; cuts to the department; in lieu fees to the Art Fund; changing the name to the Cultural Trust Fund; art commissions on private property; streamlining the process; general review and approval processes; the allowable percentage from the fund to be used for maintenance and for administration; staffing costs; use of consultants; administration of the ordinance going forward; the Historic Preservation Ordinance; the upcoming centennial; a request for background information on the previous attempt to update the Historic Preservation Ordinance; defining administrative expenses; enforcement of required maintenance; the existing program allocation; practices of other area cities; updating the art fee; the Ehrlich Case; implications to the competitiveness of development projects; a suggestion that if conditions improve, a fee increase could be warranted; keeping the proportions of how money can be spent the same; clarification that findings would have to be made in order to increase the fee; the primary purpose of the fund; the demise of redevelopment; the preservation component; art as an economic engine; affects to property values and businesses in the City; and an instance when the Streets Maintenance Department removed a piece of temporary art in error.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING CHAPTER 15.06, NEW DEVELOPMENT FEES, OF THE CULVER CITY MUNICIPAL CODE, BY REPEALING AND REPLACING SECTIONS 15.06.100 THROUGH 15.06.175 WITH NEW SECTIONS 15.06.100 THROUGH 15.06.180, RELATING TO THE ART IN PUBLIC PLACES PROGRAM.

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Item A-2

(1) Receipt and Filing of the Fiscal Year 2012/2013 Mid-Year General Fund Budget Monitoring Report, and (2) Approval of Proposed Budget Amendments

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

Discussion ensued between staff and Councilmembers regarding lost revenues vs. transferred revenues; Measure Y; adjustments; timing; a request that the report be shared with the Finance Advisory Committee; the Public Safety Sales Tax; creating a sustainable City and the potential decrease to utility user tax revenues; emergency reserves; retirement obligations; infrastructure improvements; proposed adjustments; the Transient Occupancy Tax; appreciation to staff for their hard work; the need for a capital improvement projects discussion; the City of Los Angeles; and rate assumptions.

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Michel Chaghouri questioned the difference in the one-time sale figures between 2012-2013 and 2013-2014.

Jeff Muir, Chief Financial Officer, clarified that the 2013-2014 figures were based on further discussions with realtors and seemed more realistic.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER

SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

(1) RECEIVE AND FILE THE FISCAL 2012/2013 MID-YEAR GENERAL FUND REPORT AS PROVIDED IN ATTACHMENT 1; AND

(2) APPROVE THE BUDGET AMENDMENTS AS PROPOSED IN ATTACHMENT 2.

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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:

Christopher Patrick King, Culver City Rotary Club, invited everyone to the Follow the Yellow Brick Road Service and Friendship event on March 14 honoring Community Heroes Mike Cohen and the Culver City Education Foundation.

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Items from Staff

Martin Cole, Assistant City Manager/City Clerk, reminded everyone that the next City Council meeting would be on March 26, 2013.

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Items from the City Council

None.

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Adjournment

There being no further business, at 10:28 p.m., the City Council adjourned its meeting in memory of Tim Harrell, father of City Manager’s Office employee Kathleen Harrell, and long-time Culver High instructor and administrator, Wayne Scott, to a meeting on Tuesday, March 26, 2013 at 7:00 p.m.

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

ANDREW WEISSMAN
MAYOR of the City of Culver City, California