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, CicLAvia, 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 CicLAvia 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 CicLAvia; 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 CicLAvia; 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 CICLAVIA; 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 CICLAVIA 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

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

ANDREW WEISSMAN
MAYOR of the City of Culver City, California