THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

June 11, 2012
5:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called 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 5:01 PM, the City Council recessed to Closed Session to discuss the following items:

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)

CS-2 Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – 1 Matter
Pursuant to Government Code Section 54956.9(c)

CS-3 Conference with Real Property Negotiators
Re: 9300 Culver Boulevard. City Negotiators: John Nachbar, City Manager/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director; Todd Tipton, Economic Development Administrator; Murray Kane, City Special Counsel/Successor Agency Special Counsel
Other Parties Negotiators: Combined Properties Inc./Hudson Pacific Inc.
Under Negotiation: Price, terms of payment or both, including use restrictions, development obligations and other monetary

related considerations.
Pursuant to Government Code Section 54956.8

CS-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 Real Property Negotiators
Re: 10808 Culver Boulevard (former National Guard Armory Site)
City Negotiators: City Manager John Nachbar, Assistant City Manager Martin Cole, Director of PRCS Daniel Hernandez
Other Parties’ Negotiators: The Wende Museum
Under Negotiation: Both Terms and Price
Pursuant to Government Code Section 54956.8

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Reconvene

The City Council reconvened its meeting at 7:07 p.m. with all Councilmembers present.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Linda Shahinian.

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Closed Session Report

Mayor Weissman indicated nothing to report from Closed Session.

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Presentations

Item P-1

Presentation of a Commendation to Didi Hirsch Mental Health Services in Celebration and Thanks for 70 Years of Service to the Culver City Community

Mayor Weissman presented the commendation to Kita Curry, President and CEO of Didi Hirsch Mental Health Services who described their services and thanked the City Council for the honor.

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Community Announcements By City Council Members/Information Items From Staff

None.

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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:

Tom Camarella welcomed new and reelected City Councilmembers; thanked the City for allowing the use of Council Chambers for the fracking hearing; discussed the statewide listening tour; requested that the City Council use their influence to allow additional time for public speaking at the hearing; invited all residents to attend the hearing as well as a discussion of fracking on June 13 at the Peace Center hosted by the Culver City Democratic Club; and he cited articles in the Los Angeles Times on water resources and on fracking.

Mayor Weissman encouraged people to attend the hearing, noting that overflow seating would be available in the City Hall courtyard where the hearing would be televised.

Jesús Reyes, Culver City Adult School, reported traffic issues on Overland, expressed concern with safety; discussed visibility; previous accidents and near accidents; increased enrollment; the Julian Dixon Library and affected residents; he asked that action be taken to create a crosswalk at the location; and he presented a petition to the City Council.

Discussion ensued between staff and the City Council regarding referring the matter to Pubic Works; County involvement due to proximity of the library; and receipt of the petition.

Ed Firth discussed the 4-way stop at Braddock and Elenda by Culver City High School; he invited everyone to observe the intersection in the afternoon; reported being hit repeatedly by bicycles that refuse to follow the rules; and he expressed concern with noise created by the Metro Rail and operating hours.

Mayor Weissman requested that Mr. Firth provide his contact information to staff and Councilmember Sahli-Wells offered to meet with Mr. Firth.

Rebecca Rona encouraged everyone to attend the Fracking Workshop in City Hall on June 12; she discussed fracking procedures and dangers involved with the process; she requested that the format of the meeting alternate between presentation and speakers rather than having the planned speakers monopolize the time; and she discussed motives of the state of California.

Mayor Weissman indicated that the City would do all they could to make the process as open to the public as possible but he was not sure how much influence they had over the actual program.

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Receipt of Correspondence

None.

MOVED BY COUNCILMEMBER O’LEARY, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF VIVIAN SILMAN, WIFE OF MURRAY SILMAN.

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Joint Action Items

Item JA-1
(Out of Sequence)

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 Department [including the Parking Authority, Housing Authority and Successor Agency], and Public Works Department [including Capital Improvement Projects]

Sol Blumenfeld, Community Development Director, discussed the proposed Community Development Department budget for 2012-2013.

Discussion ensued between Councilmembers and staff regarding the elimination of redevelopment; impacts to the community; appreciation to staff for their work to maintain momentum; concern with funding for the arts and affordable housing; taking action through the legislative subcommittee; clarification that the rental assistance and homeless programs remain; properties to be sold; available proceeds; reductions in parking structure operations; affordable housing projects; commercial projects; location of funds; phantom savings; contracts run through the Agency; contractual services; funding for cultural programs; Art in Public Places; the Climate Action Plan; Federal funding; graffiti removal services; working with the school district; community service hours for high school students; the definition of family; AIP grant funding; the Jazz Bakery; assessment districts; and the Community Facilities District.

Charles Herbertson, Public Works Director, provided an overview of the proposed Public Works Department budget for 2012-2013.

Discussion ensued between staff and Councilmembers regarding funding sources; praise for the graffiti removal program and other work done; the SC Energy Leadership Partnership; Ballona Creek Restoration funding; measuring the success of the new parking meters; establishing a resident sustainability committee; the transfer station; curbside programs; street permits; the food waste program;

coordination with the school district; rain gardens; grant funding; Safe Routes to School; bike thefts near the Expo Line; bike lockers; backward beekeepers; the sidewalk study; ADA requirements; Blair Hills Park drainage; the proposed crosswalk at Jefferson and Hetzler; location signage at Ballona Creek; beverage container recycling; notification to residents when work is being done and why; contractual services; parking maintenance; frequency of going out to bid; the new parking policies in Santa Monica; Fire Station #3; Expo noise on the east end; monitoring Expo; ideas to direct visitors from the Expo to stores and restaurants; the timeliness of project completion; staffing levels; mural maintenance; landscaping and lighting districts; installation of new lights; energy efficiency; and appreciation to Mr. Herbertson for actions on the Schaefer Street trees.

Martin Cole, Assistant City Manager/City Clerk, explained that Consent Calendar item C-2 needed to be considered before moving on.

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Item C-2
(Out of Sequence)

Adoption of a Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012/2013.

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Item J-2
(Out of Sequence)

JOINT CITY COUNCIL/HOUSING AUTHORITY/PARKING AUTHORITY/ SUCCESSOR AGENCY AGENDA ITEM: Adoption of a Resolution Adopting the Fiscal Year 2012/2013 Budget for the City of Culver City, the Housing Authority, the Parking Authority, and the Successor Agency

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF NOTICE

AND ALL CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

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

Mayor Weissman invited public comment.

There was no response.

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

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AND BOARDS: ADOPT RESPECTIVE RESOLUTIONS APPROVING THE FISCAL YEAR 2012/2013 BUDGET FOR THE CITY OF CULVER CITY, HOUSING AUTHORITY, PARKING AUTHORITY, AND SUCCESSOR AGENCY.

Mayor Weissman thanked staff for their extraordinary efforts on the budget.

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Consent Calendar

Item C-1

Cash Disbursements

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR APRIL 28, 2012 – JUNE 1, 2012.

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Item C-3
(Out of Sequence)

Approval of a Lease with Trader Joe's to Memorialize the Use of the Shopping Cart Storage Area, Outdoor Selling Area, and Memorialize and Expand the Storage Area in the Ince Parking Structure

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

1. APPROVE A LEASE WITH TRADER JOE'S TO MEMORIALIZE THE USE OF THE SHOPPING CART STORAGE AREA, OUTDOOR SELLING AREA, AND MEMORIALIZE AND EXPAND THE STORAGE AREA IN THE INCE PARKING STRUCTURE; AND

2. AUTHORIZE THE CITY ATTORNEY AND CITY SPECIAL COUNSEL 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) Acceptance of Work Performed by Hoffman Management and Construction Corporation, and (2) Authorization to File a Notice of Completion, for the Fire Station #1 Exterior Staircase Reconstruction Project, P-931

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

1. ACCEPT THE WORK PERFORMED BY HOFFMAN MANAGEMENT AND CONSTRUCTION CORPORATION FOR THE FIRE STATION #1 EXTERIOR STAIRCASE RECONSTRUCTION PROJECT, P-931; 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.

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Item C-9
(Out of Sequence)

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Hayden Avenue and Higuera Street

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, 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 THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-10

Adoption of a Resolution Approving an Encroachment Agreement with XO Communications for Use of the Public Right-of-Way on Overland Avenue

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

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH XO COMMUNICATIONS; 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
(Out of Sequence)

Award of a Construction Contract to Griffith Company, as the Lowest Responsive and Responsible Bidder, for the Construction of the Jefferson Boulevard Pedestrian and Bicycle Access Improvements Project at Hetzler Road, P-956

Councilmember Sahli-Wells noted the inability to come to an agreement on a design to continue the bike path and she asked about ways to help.

Discussion ensued between staff and Councilmembers regarding the Los Angeles Department of Transportation; design; jurisdiction; liability; the Higuera Street Bridge; connectivity between COG cities; the Westside Council of Governments; the Bicycle and Pedestrian Master Plan; clarification that Culver City continued the path a block past the City border; and Councilmembers offered to help facilitate discussions and encouraged continued work with Los Angeles.

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

1. AWARD A CONSTRUCTION CONTRACT TO GRIFFITH COMPANY, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF $532,444 FOR THE JEFFERSON BOULEVARD PEDESTRIAN AND BICYCLE ACCESS IMPROVEMENTS PROJECT AT HETZLER ROAD, P-956; AND,

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS AS NECESSARY, FOR A NOT-TO-EXCEED AMOUNT OF $80,174; AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

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Item C-6

Adoption of a Resolution Approving the Engineer's Report, Declaring the Intention to Order the Levy of Annual Assessments, and Setting the Date, Time, and Place for the Public Hearing to be Monday, June 25, 2012 at 7:00 PM in the City Council Chambers for the Albright Avenue Street Lighting Assessment District

Councilmember Sahli-Wells received clarification regarding where assessment districts begin and normal City services end, and specific information regarding the assessment districts in items C-6, C-7 and C-8.

A discussion ensued between staff and the City Council regarding a parcel on Albright that is paid off, and clarification that a majority of residents must agree before a district is formed.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2) DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ALBRIGHT AVENUE STREET LIGHTING ASSESSMENT DISTRICT – FISCAL YEAR 2012/2013, AND (3) SETTING THE TIME, DATE AND PLACE FOR A PUBLIC HEARING FOR JUNE 25, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS.

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Item C-7

Adoption of a Resolution Approving the Engineer's Report, Declaring the Intention to Order the Levy of Annual Assessments therein, and Setting the Date, Time, and Place for the Public Hearing to be Monday, June 25, 2012 at 7:00 PM in the City Council Chambers for the Higuera Street Landscaping and Lighting Maintenance District

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION (1) APPROVING THE ENGINEER'S REPORT, (2) DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HIGUERA STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT - FISCAL YEAR 2012/2013, AND (3) SETTING THE TIME, DATE, AND PLACE FOR A PUBLIC HEARING ON JUNE 25, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS.

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Item C-11

Approval of an Amended and Restated Agreement for the Joint Use of Properties, Facilities, and Assets by and between the City of Culver City and the Culver City Unified School District

Councilmember Sahli-Wells thanked everyone for finding a solution that worked for the entire community.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O’LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE AN AMENDED AND RESTATED JOINT USE AGREEMENT WITH THE CULVER CITY UNIFIED SCHOOL DISTRICT; 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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A discussion ensued between staff and the City Council regarding the assessment hearings; the June 25, 2012 City Council meeting; Community Conversations; and upcoming meetings.

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Item C-8

Adoption of a Resolution Approving the Engineer’s Report, Declaring the Intention to Order the Levy of Annual Assessments therein, and Setting the Date, Time, and Place for the Public Hearing to be Monday, June 25, 2012 at 7:00 PM in the City Council Chambers for the Landscape Maintenance District Number 1

Vice Mayor Cooper indicated that he had to recuse himself from consideration of the item as he lives within the district and he exited the dais.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER O’LEARY THAT THE CITY COUNCIL: ADOPT A RESOLUTION (1) APPROVING THE ENGINEER’S REPORT, (2) DECLARING THE CITY COUNCIL’S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICT NUMBER 1- FISCAL YEAR 2012/2013, AND (3) SETTING THE DATE, TIME, AND PLACE FOR A PUBLIC HEARING FOR JUNE 25, 2012, AT 7:00 P.M. IN THE MIKE BALKMAN COUNCIL CHAMBERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

ABSTAIN: NONE

Vice Mayor Cooper returned to Council Chambers.

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

Declaration of June 20, 2012 as a “Free Fare Day” on Culver CityBus Lines 1 and 7 as Part of the City’s Welcoming of the Exposition Light Rail Line to Culver City and the Grand Opening of the Culver City Station

Art Ida, Transportation Director, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding publicizing the event.

MOVED BY COUNCILMEMBER O’LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: DECLARE JUNE 20, 2012 AS “FREE FARE DAY” ON CULVER CITYBUS LINES 1 AND 7 TO COMMEMORATE THE OPENING OF THE CULVER CITY EXPO LIGHT RAIL STATION.

Martin Cole, Assistant City Manager/City Clerk, discussed events to commemorate the Expo Opening on June 20, 2012.

Discussion ensued between staff and Councilmembers regarding ongoing information available to the public to direct them to shops and restaurants in the City, and a suggestion to have music for the opening.

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

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Items from the City Council

Items from Councilmember Sahli-Wells

- Expressed excitement about the Expo Line opening and indicated that she would attend

Items from Vice Mayor Cooper

- Expressed condolences to the Silman family

Items from Councilmember O'Leary

- Announced the Expo Phase 2 Light Rail Line Subcontractor Outreach Event on June 14 at the Kirk Douglas Theater

- Reported attending the SCAG Transportation Committee meeting and the Expo Board meeting

- Discussed the sprinklers on National Boulevard

- Addressed the issue of bicycle thieves near the Expo station and public awareness

- Announced an upcoming Brown Act enforcement educational forum

Items from Councilmember Clarke

- Reported representing the Mayor and the City Council at the retirement of Jerry Chabola, Athletic Director at the High School, and presenting a certificate to Kids Are First at the Second Annual Family Safety and Fun Festival

Items from Mayor Weissman

- Received clarification regarding the location of the June 18, 2012 City Council meeting

Martin Cole, Assistant City Manager/City Clerk, thanked Superintendent Patti Jaffe of the School District for assistance with arranging locations for the upcoming Community

Conversation meetings, and he announced the schedule of upcoming meetings and locations for them.

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Adjournment

There being no further business, at 10:09 p.m., the City Council adjourned its meeting in memory of Vivian Silman to a meeting on Monday, June 18, 2012 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

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

June 18, 2012
6:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:00 p.m.

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

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Closed Session

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

CS-1 Conference with Legal Counsel – Existing Litigation
Re: Lisa Lujan v. City of Culver City et al.
Case No. BC465942
Pursuant to Government Code Section 54956.9(a)

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Reconvene

The City Council reconvened its meeting at 7:02 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 Suzanne DeBenedittis.

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Closed Session Report

Mayor Weissman indicated nothing to report from closed session.

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Community Announcements By City Council Members/Information Items From Staff

Martin Cole, Assistant City Manager/City Clerk, introduced Management Analyst Jeremy Green.

Vice Mayor Cooper discussed concerns with public health and the water supply associated with fracking in the oil fields above Culver City, and he received consensus to discuss a resolution opposing fracking and demanding that the state place a moratorium on the controversial practice.

Councilmember Sahli-Wells reported that the environmental subcommittee would discuss the ban on plastic bags on July 9 and she discussed Backward Beekeepers noting that June is beekeeping month.

Councilmember O'Leary announced an e-waste and hazardous waste roundup on June 30 at the Former National Guard Armory and that the train would be coming to Culver City on June 20 with many activities by restaurants and local businesses to celebrate the event.

Councilmember Clarke announced a BBQ held by Culver City Amateur Radio Emergency Services behind Fire Station #1 on June 23.

Councilmember O'Leary reported attending the Council of Governments Transportation meeting on June 18 where a regional bike share program was discussed.

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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:

Steven Rose announced the 2012 Chamber of Commerce Business Expo on June 27 at Veterans Memorial Auditorium.

Tom Camarella expressed appreciation for the successful Fracking Hearing; reported an upcoming meeting with Holly Mitchell; discussed a pending Los Angeles resolution on fracking; requested that Culver City agendize consideration of a ban on fracking and an ordinance; and noted that there was no way for them to prove that the City could be safe.

Ken Ruben was looking forward to the Expo opening and he discussed the new buses in the City.

Councilmember Sahli-Wells reminded everyone of free fare day on June 20 for Culver City Lines 1 and 7 in honor of the Expo opening.

Rebecca Rona-Tuttle expressed gratitude to the City Council for their position on the fracking issue; felt that a ban would be more effective than a moratorium on fracking; questioned whether the City had the authority to enact a ban; and she was pleased that the matter would be agendized.

Councilmember O'Leary clarified that the City Council was united in their opposition to fracking and he discussed slant drilling and the importance of coordinating with surrounding cities and the state.

Rick Tuttle discussed the powers of the municipality; reiterated the importance of enacting a ban; he requested that realtors and bankers look into the matter regarding land use and effects to business; and he noted that fracking could already be taking place.

Discussion ensued between staff, Councilmembers and the speaker regarding clarification that the City was pursuing a redraft of the drilling ordinance, and that legal rights with respect to fracking would come up in the context of the ordinance; issues to be discussed on July 2; a suggestion to agendize consideration of a ban; the complexity of the issue; lack of regulation; the need for regulation; the position of the governor; concern with exposing the City to liability; and the custom of addressing the Mayor.

Dr. Suzanne DeBenedittis, Frack Free Culver City, discussed the momentum of opposition to fracking; the National Day of Fracking; appreciation to the City for hosting the fracking hearing; she requested that the City Council agendize a ban on fracking in and under Culver City with a resolution to the County and State to do so also; she discussed the symbolic nature of the ban; seismic issues; setting legal precedent; and she offered to help staff research issues.

DaShayne Walker, Dare to Care Learning Center, discussed her business; financial issues; and she questioned whether there was a policy of harassment of those who are behind in their bills.

John Nachbar, City Manager, indicated that he would look into the matter.

Dr. Khin Khin Gyi, Culver Crest Neighborhood Association, thanked the City Council for hosting the Fracking Workshop; reported that the Community Environmental Legal Defense Fund had assisted 140 communities in the Northeast United States with crafting municipal codes to keep fracking out of their neighborhoods and she recommended obtaining their assistance; discussed Culver City wells; liability; obtaining a bond from PXP; and she announced a Cancer Run held by Senator Curren Price’s office on June 23, and a Health Symposium on disparities in health outcomes around the Inglewood oil fields at the Magnolia Family Center on June 22.

Michelle Weiner expressed appreciation for City Council consideration of the fracking issue; she discussed the ability to control what goes on under the City; expressed support for a ban even if it is only on the Culver City portion; she discussed the importance of standing in solidarity with neighboring cities; the importance of the symbolic ban; proposed legislation by Assemblymember Butler; she expressed a lack of faith in the regulations; support for the plastic bag ban; and she emphasized the importance of Culver City taking the lead.

Robert Zirgulis asked that the City reexamine having Turbo Data collect parking fines for the City; he discussed the red light camera fines; he suggested examining policies to reduce the amount of parking fines lost; and he expressed opposition to the proposed sales tax increase.

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

FIRST OF FIVE PLANNED COMMUNITY DIALOGUES ON CITY FINANCES - A Presentation from the City Manager and Chief Financial Officer on the State of City Finances and Acceptance of Public Input and Comment

John Nachbar, City Manager, introduced the item; discussed efforts to publicize the meetings; and additional potential cuts.

Martin Cole, Assistant City Manager/City Clerk, discussed the City website; virtual City Council meetings; and the schedule of meetings.

Jeff Muir, Chief Financial Officer, provided a brief history of the City's financial situation and the choices facing the City as they move forward.

Councilmember Clarke received clarification that examples provided by staff illustrated what would have to occur in order to reach $8 million in cuts.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

David VonCannon felt it was apparent from presentations that a great deal of work had been done to reduce expenses and operate departments as efficiently as possible, especially in the transportation department; he suggested asking employees to see where they might be able to find additional efficiencies; he expressed support for the tax increase and possible assessment districts; and he encouraged the additional pursuit of grant money.

Martin Cole, Assistant City Manager/City Clerk, discussed the suggestion to have employees identify possible cost savings.

Matthew Hetz, Culver City Symphony Orchestra, discussed his bus riding experiences; reported that the orchestra had been invited to move from Westchester to Culver City; discussed the 2,000% increase in rent at Veterans Auditorium that they received mid-season; requested that the rent not be increased further and perhaps be decreased; he acknowledged the difficult financial situation of the City; he discussed how to incorporate the arts and music in the City; the reputation of the City as an arts center; and the importance of live music.

Mayor Weissman reported that staff was revisiting the issue of fee increases and organizations with longstanding relationships with the City.

Paul Ehrlich discussed the budget process; the emphasis on the reserve; money put in the budget for retirees; preventative maintenance; budget reserves; the proposed tax; prudent formulas for the General Fund and the Self Insurance Fund; the Four-Fifths Rule; other taxes being proposed at the same time; the importance of an ongoing and separate budget committee; having a contingency plan; red light cameras; pro rata cuts; prioritization; he felt that buses should not be affected by cuts; the large amount of overtime in the police department; comparisons of net income for police officers between Culver City and Los Angeles; parking enforcement officers; areas to be studied; closing The Plunge; determining what level of crime is acceptable; closing Fire Station #2; outside consultants; whether the proposed tax increase is sufficient; and a suggestion to close City Hall every Friday to save money.

Mayor Weissman discussed the level of service the residents want.

Karen Kurokawa discussed the quality of life in Culver City; expressed concern that the sales tax increase would not be enough; and suggested a higher increase.

Seth Horowitz, Culver Hotel, discussed the transient occupancy tax; increasing expenditures to increase revenues; the perception of Culver City in Los Angeles; the Visitors Convention Bureau; and marketing Culver City to Los Angeles County.

Cary Anderson discussed revenue generated by parking enforcement; street sweeping violations; technology available to parking enforcement officers; fully burdened costs of parking enforcement officers; who has power over the Fire and Police budgets; and improving on the status quo.

Robert Zirgulis discussed balancing the City budget; the City's emergency fund; he disagreed with red light revenue comments made by Mr. Ehrlich; he expressed opposition to using Turbo Data; he discussed Red Flex; expressed concern with the expenditure of lawyer fees for the PXP issue and suggested arbitration; and he suggested working to avoid lawsuits.

Rick Tuttle discussed full cost recovery; license and permit categories; political costs; best practices; fines and forfeitures; infrastructure costs; the number of budgeted staff positions in the City; moving personnel to other accounts; geography and competitiveness; he expressed concern with the study indicating that the proposed sales tax would have no appreciable effect; and he questioned what the recommendation of the City Manager was.

Mike King received clarification that if the City achieved a savings of $8 million, services would not be affected; clarification regarding the use of Redevelopment Agency monies; appreciation to the City Council for being proactive regarding cuts to benefits; he requested data regarding the impacts of reducing fire department services; and discussed the retirement age for fire and police personnel.

Discussion ensued between staff and the City Council regarding the competitiveness of police and fire retirement with other cities; CALPERS; the League of California Cities; and clarifying what increased risk means.

Michelle Weiner expressed appreciation for the process; discussed quantifiable information regarding reduced police and fire and increased risk; she suggested using a portion of the Transient Occupancy Tax to promote Culver City, holding future workshops in the round, and instituting a ‘buy local’ campaign; she discussed preserving resources; and keeping money in the City.

Discussion ensued between Councilmembers and staff regarding levels of service; the need to raise revenue; public/private partnerships; and looking at things in a different way.

Paul Ehrlich discussed prioritization and wanted to see a dollar amount put on each item to clarify savings; he felt that $7.5 million underestimated the amount of money necessary; he observed that Workers Compensation costs were out of control; he agreed with opposing fracking but expressed concern about the money spent on legal fees to combat the situation; he noted the reputation of Culver City as a high fee City and suggested comparing fees with those of surrounding cities; and discussed consideration of a policy change.

Mayor Weissman indicated that the next meeting in the series would be held at 10:00 a.m. on June 23 at El Rincon Elementary School and would not be televised.

Discussion ensued between staff and Councilmembers regarding costs incurred to administrate parking fines; clarification that the company used for parking fine collection is Turbo Data; general cost recovery; the comprehensive review of fees; cost recovery for parks and recreation; charging utilities back to their individual departments as a way to increase efficiencies; Culver City as a full-service City; concern that cuts could cost more money in the long run; small ideas for large savings; creation of a Finance Committee; resident involvement; revenue generating ideas; red light cameras; clarification regarding the format of the meetings not located in Council Chambers; making information easily available about what staff has already done to reduce the budget; the buy local initiative; sustainability; service reductions; property values; contrasting Culver City services with those of surrounding cities; scare tactics; information regarding specific cuts; elimination of a Fire Station; previous departmental audits; concern with dipping into reserves; previous actions to balance the budget upended by actions of the state; the five-year pan; instituting a higher sales tax; GASB 45; the irrevocable trust; creative accounting;

Enterprise Funds; changing habits; the information gap with the public; concern regarding attendance at future meetings; education and communicating information; maintaining the status quo; and specific information regarding cuts to service.

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Receipt and Filing of Correspondence

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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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 discussed red light cameras; an accident on Duquesne involving police officers; he requested that police officers write tickets around schools; and he expressed support for EXPO.

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Items from the City Council

Items from Councilmember O'Leary

- Reported that the Expo had been the most successful opening with regard to ridership

Items from Mayor Weissman

- Announced the schedule and location of upcoming meetings

Items from Councilmember Sahli-Wells

- Clarified that appointments to Commissions and Committees would take place on June 25th in the Rotunda Room at Veterans Auditorium

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Adjournment

There being no further business, at 10:29 p.m., the City Council adjourned its meeting to a meeting on Saturday, June 23, 2012 at 10:00 a.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

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

July 2, 2012
6:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:00 p.m.

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

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Closed Session

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

CS-1 Conference with Real Property Negotiators
Re: 9300 Culver Blvd. (Parcel B)
City Negotiators: John Nachbar, City Manager; Sol Blumenfeld, Community Development Director, Todd Tipton, Economic Development Manager and Carol Schwab, City Attorney
Other Parties Negotiators: Willy Bietak Productions, Inc.
Under Negotiation: Price, Terms of Payment or Both, including use restrictions, development obligations and other monetary related considerations.
Pursuant to Government Code Section 54956.8

CS-2 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 Item)
Pursuant to Government Code Section 54956.9(b)

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Reconvene

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

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Closed Session Report

Mayor Weissman indicated nothing to report from closed session.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Dan Hernandez, Director of Parks, Recreation, and Community Services.

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Presentations

Item P-1

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

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

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Community Announcements By City Council Members/Information Items From Staff

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

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

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

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

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Joint Public Comment – Items Not on the Agenda

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

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

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Consent Calendar

Item C-6
(Out of Sequence)

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

Vice Mayor Cooper recused himself and exited the dais.

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

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

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

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

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Vice Mayor Cooper returned to Council Chambers.

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Item C-1

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

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

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

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

1. WAIVE FORMAL BIDDING REQUIREMENTS PER CCMC SECTION 3.07.075.E.3; AND

2. APPROVE A PURCHASE ORDER WITH BECNEL UNIFORMS, INC. IN THE AMOUNT OF $48,825 FOR BUS OPERATOR AND TRANSIT OPERATIONS SUPERVISOR UNIFORMS; AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

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Item C-2

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

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

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

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

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Item C-4
(Out of Sequence)

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

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

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Item C-5

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

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

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Item C-7
(Out of Sequence)

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

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

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

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

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Item C-8

Adopt a Resolution Establishing a Retiree Health Reimbursement Arrangement Plan

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

1. ADOPT THE PROPOSED RESOLUTION APPROVING AND ADOPTING THE CITY OF CULVER CITY RETIREE HEALTH REIMBURSEMENT ARRANGEMENT PLAN; AND,

2. AUTHORIZE THE CITY MANAGER, CITY ATTORNEY AND CHIEF FINANCIAL OFFICER TO FINALIZE AND EXECUTE ALL DOCUMENTS AND TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE PLAN.

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Item C-9

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

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

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

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

2. DESIGNATE THE EVENT AS A CITY EVENT.

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Item C-10

Adoption of a Resolution Approving the Engineer’s Report and Declaring the City Council’s Intention to Order the Levy of

Annual Assessments for the West Washington Boulevard Benefit Assessment District Number 1

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

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Item C-11

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

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

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Item C-3
(Out of Sequence)

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

Mayor Weissman recused himself and exited Council Chambers.

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

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

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

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman returned to Council Chambers.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

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

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

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

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

Mayor Weissman invited public input.

There was no response.

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

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

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

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

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Action Items

Item A-1

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

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

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

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Item A-2

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

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

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

The following members of the audience addressed the City Council:

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

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

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

Dr. Khin Khin Gyi, Culver Crest Neighborhood Association, questioned whether bond and insurance requirements had been met; discussed Culver City Municipal Codes; noxious odors in 2006 in the Culver Crest neighborhood; the abandonment fee; returning the premises to its original condition: the Dog Park; Sonoma Technologies; leaving a legacy for the children; and she requested a three-year moratorium on fracking until the results of the air quality monitoring study is available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Michelle Weiner echoed previous comments; emphasized how people were working together to protect the community; discussed actions of the City to protect the health and welfare of the community; the proposed tax increase; and she expressed support for the ban on fracking.

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

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

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

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

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

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

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

Sydney Kamlager, District Director for Holly Mitchell, discussed AB 972 sponsored by Assemblymember Mitchell calling for a moratorium until regulations with integrity are established and can be enforced; she reported work on amended language; noted that she continues to learn about the issue; acknowledged the importance of the issue and the civic engagement in Culver City; and she indicated that she was looking to their leadership on the issue.

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

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

Deva Powell
Karol Mora
Terry Silberman
Cameron Spencer

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

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

Discussion ensued between Councilmembers regarding enacting a ban rather than a moratorium; the health and safety of the community; the importance of people over money; the responsibility of the City Council; the agency responsible for regulating the process; the voluntary submission of information by the oil companies; the need for additional knowledge; the assertion that fracking has been done for years; the location of the oil and the drilling; the importance of enacting regulations at the state level; concern with having a small City attack the process on their own; concern with contamination of the water source; chemicals used; the Baldwin Hills Conservancy EIR; support for enacting a moratorium rather than a ban; concern with actions at the state level; the current moratorium; the required study on fracking due out July 15; the peer review; facts regarding impacts specific to Culver City, not other cities; lobbying DOGGR; establishing regulations; using time from a moratorium to gather facts; making informed choices about what the impacts are; a suggestion to enact a moratorium until DOGGR takes all necessary and appropriate actions to adopt, implement and enforce comprehensive regulations concerning the practice of fracking that will insure the public health and safety, and the environment; clarification that the resolution is a directive to the state to take comprehensive action; support for the resolution; and enacting a moratorium vs. a ban.

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

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

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

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

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

Discussion ensued between Councilmembers regarding options related to local regulation of fracking; the process of updating antiquated drilling ordinances; the disputed

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

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

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Receipt of Correspondence

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

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

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

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

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Items from the City Council

None.

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Adjournment

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

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

ANDREW WEISSMAN
MAYOR of the City of Culver City, California

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

July 16, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 7:03 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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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Daryl Cherness.

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Community Announcements By City Council Members/Information Items From Staff

Councilmember Clarke reported attending the opening of the Copenhagen Bakery and wished the new business well.

Councilmember Sahli-Wells reported attending a free salsa class at the Helms Bakery on July 15 noting another free chance to learn salsa at the Helms Bakery on August 5th, and she announced Dine L.A. throughout Culver City.

Councilmember O'Leary summarized issues discussed at the Independent Cities Association meeting that he had recently attended.

Mayor Weissman announced a Fracking Symposium on August 4 and he received consensus that a discussion on the use of Council Chambers for the Symposium be placed on the City Council agenda for July 23, 2012.

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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:

Marta Zaragoza discussed increased taxes and fees; praised the work of Charles Herbertson and City services; suggested oversight and evaluation of City departments; expressed opposition to potential cuts to police and fire in the City; discussed ineffective managers; ham radio services; emphasis on emergency response; neighborhood watch organizations; CERT; and concern with wasting money on unnecessary staff and redevelopment.

Mary Homan spoke on behalf of Dave Baker regarding a request for a variance and a fee waiver noting that his property met requirements of the zoning code and neighbors have expressed support for the garage variance.

Responding to an inquiry from Mayor Weissman, John Nachbar, City Manager, indicated that he would return with additional information on the matter.

Louise Coffey-Webb, Culver City Historical Society, announced their Fall Fundraiser at the Culver Hotel on September 23; their annual BBQ on July 18 in Veterans Memorial Park; and she reported that due to construction in the Veterans Memorial building the Historical Society would be closed on July 21.

Michelle Weiner announced *Fixing the Future* on July 18 at the Pacific Theatres.

Ross Hawkins provided background on himself; he felt that none of the suggestions made to address budget problems were sufficient; he pointed out the value of the City’s history; he discussed Bring Hollywood Home, an organization dedicated to bringing motion picture production back to

California; and he questioned whether the budget deficit would exist if production had not left the area.

Tom Camarella expressed concern with having adequate time to prepare for the Fracking Symposium if the use of Council Chambers is not discussed until the July 23 City Council meeting.

Mayor Weissman discussed Brown Act requirements and reported that the event was being put on by Transition Culver City and the Sierra Club in association with The League of Women Voters.

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Receipt of Correspondence

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, TO RECEIVE AND FILE CORRESPONDENCE.

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

FIFTH OF FIVE PLANNED COMMUNITY DIALOGUES ON CITY FINANCES - A Presentation from the City Manager and Chief Financial Officer on the State of City Finances and Acceptance of Public Input and Comment

Mayor Weissman discussed previous workshops to address the structural deficit in different venues throughout the City; the staff presentation identifying the nature of the problem; and categories of services that could be affected if sufficient revenues cannot be generated.

Jeff Muir, Chief Financial Officer, provided a presentation on the history of the City's financial situation and choices to consider moving forward.

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Cary Anderson felt that the numbers were hard to comprehend; he expressed support for a three-quarter cent sales tax; and he discussed money lost by not enforcing parking meters.

Mayor Weissman clarified that the proposed half-cent sales tax would provide revenue necessary to pay existing expenses but would not address issues of continuing concern in the City.

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Item A-2

Adoption of Resolutions (1) (Unanimous Vote Requirement) Declaring a Fiscal Emergency Pursuant to Article XIII C of the Constitution of the State of California; (2) Calling and Giving Notice of the Holding of a Special Municipal Election to be Consolidated with the Statewide General Election to be Held on Tuesday, November 6, 2012 for the Purpose of Submitting to the Voters a Measure Relating to Implementing a Local Transactions and Use Tax (Sales Tax); (3) Requesting the Board of Supervisors of the County of Los Angeles Render Specified Services Related to the Conduct of said Election; (4) Authorizing the City Council and/or Certain Council Members to Submit Ballot Arguments and Rebuttals Regarding the Measure; (5) Potential Creation and Appointment of Members to an Ad-Hoc Subcommittee to Draft and/or Submit Such Ballot Argument(s) and Rebuttal(s); and (6) (Four-Fifths Vote Requirement) Approving a Related Budget Amendment

John Nachbar, City Manager, introduced the item and discussed options.

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

The following members of the audience addressed the City Council:

Crystal Alexander expressed support for the ballot measure; discussed City assets; the elimination of redevelopment;

CALPERS investment returns; sunset clauses; the reserve policy; and she suggested creation of a public finance advisory committee.

Stephen Murray felt that the City was over-dependent on sales tax revenue; discussed the volatility of sales tax; expressed support for a sales tax and the sunset clause; and he wanted to see the establishment of a public financial advisory committee.

Bill Reider, DoubleTree Hotel and Chamber of Commerce, expressed support for a half-cent sales tax with a five-year moratorium and he wanted to be involved with finding a permanent solution to the problem.

Responding to inquiry from Councilmember Clarke, Mr. Ryder indicated that the Chamber of Commerce supported a five-year sunset to try to find real solutions.

Cary Anderson received clarification regarding the sunset for Measure EE for schools; he discussed state and local taxes; and he expressed support for a three-quarter percent sales tax with a sunset.

Frank Campagna expressed support for a three-quarter percent sales tax with a sunset clause and he suggested ways to promote the measure.

Kevin Lachoff discussed emailed comments to the City Council; support from the Chamber of Commerce for the half-cent sales tax increase with a five-year sunset provision; the importance of exploring new revenue streams that can be put in place immediately; sales tax levels of surrounding cities; opposition to a three-quarter percent sales tax increase; the importance of weaning the City off a dependency on sales tax; and he emphasized the importance of diversification of income sources.

Julie Lugo Cerra expressed support for a half-cent sales tax increase for five years in order to provide funds to reestablish a balance; noted that current issues were not the fault of the City; discussed the loss of redevelopment; and the utility users tax.

Jeremy Green, Management Analyst, read comments submitted by:

Steven Rose

Michael Hamill
Marta Zaragoza
Phyllis Owens

Discussion ensued between Councilmembers regarding maintaining City services; the precarious position that the City has been put in; the vital nature of the community and the importance of community input; and clarification that Culver City is not in the same financial situation that San Bernardino is.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION DECLARING A FISCAL EMERGENCY PURSUANT TO SECTION XIII C OF THE CALIFORNIA CONSTITUTION.

Discussion ensued between staff and Councilmembers regarding a three-quarter percent increase to sales taxes; the true deficit; the structural deficit; the shortfall for capital improvement projects; a hybrid sales tax increase; the sunset clause; the importance of running an active campaign; concern with opposition to a three-quarter percent sales tax increase; concern with losing support for any sales tax increase; the sunset clause vs. a permanent increase; costs to put on a special election; coordinating with a regular election; Councilmember ability to remove sales tax increases; opposition by businesses in the community; appreciation for support of the increase by many in the community; City services; sales tax rates of surrounding communities; improving efficiencies; the importance of public input; support for establishing a public finance advisory committee; the importance of transparency; appreciation to the public for their input; the importance of replenishing reserves when things are better; appreciation to prior Councils who provided for tough times; work to shrink the size of City government; limiting impacts to the public; reductions in operating costs; support of the bargaining units; retiree medical benefits; covering the operating structural deficit; concern that a five-year sunset does not allow enough time; allowing a realistic time frame to evaluate impacts; support for a ten-year sunset; motivation to future councils to look for ways to reduce expenditures and explore other sources of revenue; community evaluation of the impact of tax on levels of service; ways to provide greater diversity in the revenue stream; whether some of the money can be used for a ‘Buy Local’ campaign; tying the sunset date to a municipal election; whether the sunset clause is necessary to get the increase passed; a suggestion to modify the title of the resolution; the ordinance; the ability and discretion of future City Councils; and the potential amount of revenue generated by the tax.

Councilmember Clarke moved that the City Council approve a half-cent sales tax with a ten-year sunset and a termination date of March 31, 2023.

Discussion ensued between Councilmembers and staff on whether to include the public advisory committee in the motion and agendizing a discussion of the advisory committee as soon as possible as the committee could be an advocate of the tax and assist in generating support for the measure.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: PROPOSE A HALF-CENT SALES TAX WITH A TEN-YEAR SUNSET AND A TERMINATION DATE OF MARCH 31, 2013.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O’LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY OF CULVER CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION AND APPROVE THE APPROPRIATION OF NECESSARY FUNDS.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O’LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE A BUDGET AMENDMENT APPROPRIATING $80,000 FROM THE GENERAL FUND RESERVE TO COVER COSTS TO CONDUCT THE ELECTION.

Discussion ensued between Councilmembers regarding having the entire City Council draft arguments for the local transaction and use tax; Brown Act issues; and the availability of Councilmember O’Leary for the July 23, 2012 meeting.

MOVED BY COUNCILMEMBER O’LEARY, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE THE FORMATION OF AN AD HOC SUBCOMMITTEE AND APPOINT MAYOR WEISSMAN AND COUNCILMEMBER CLARKE THERETO FOR THE DRAFTING OF THE PRIMARY ARGUMENT AND REBUTTAL ARGUMENT (IF NEEDED) AND REQUIRE THE SUBCOMMITTEE TO COMPLETE ITS WORK IN TIME TO PRESENT THE CITY COUNCIL WITH A DRAFT PRIMARY ARGUMENT ON JULY 23, 2012 AND ANY REBUTTAL ARGUMENT NO LATER THAN AUGUST 6, 2012.

Additional discussion ensued between staff and Councilmembers regarding naming the proposition.

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

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Items from the City Council

Items from Vice Mayor Cooper

- Asked about a discussion of traffic mitigation on Sawtelle Boulevard between Sepulveda and Braddock planned for August 6

John Nachbar, City Manager, noted that given the absence of two Councilmembers on August 6, the matter would be moved to the August 13 City Council meeting.

Items from Councilmember Sahli-Wells

- Reported enjoying the first summer concert of the series despite the rain and encouraged everyone to attend the upcoming concert on July 19 in the City Hall Courtyard

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Adjournment

There being no further business, at 10:03 p.m., the City Council adjourned its meeting to a meeting on Monday, July 23, 2012 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, CITY OF CULVER CITY CALIFORNIA

July 23, 2012
5:30 p.m.

Call to Order & Roll Call

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

Present: Andrew Weissman, Mayor
Jeffrey Cooper, Vice Mayor
Jim B. Clarke, Councilmember *
Meghan Sahli-Wells, Councilmember

Absent: Micheál O'Leary, Councilmember

*Councilmember Clarke arrived during closed session.

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Closed Session

At 5:31 PM, the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators
Re: 12803-23 West Washington Boulevard
Agency Negotiator: John Nachbar, City Manager, Sol Blumenfeld, Community Development Director, Todd Tipton, Economic Development Administrator, Murray Kane, City Special Counsel
Other Parties Negotiators: Axis Mundi RE II, LLC
Under Negotiation: Price, Terms of Payment or Both, including use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8)

CS-2 Conference with Real Property Negotiators
Re: 9300 Culver Blvd. (Parcel B)
City Negotiators: John Nachbar, City Manager;
Sol Blumenfeld, Community Development Director, and Todd Tipton, Economic Development Administrator

Other Parties Negotiators: Upper Ground Enterprises, Inc.
Under Negotiation: Price, Terms of Payment or Both, including use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8

CS-3 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1)
Pursuant to Government Code Section 54956.9(b)

CS-4 Conference with Legal Counsel – Existing Litigation
Re: Lisa Lujan v. City of Culver City et al.
Case No. BC465942
Government Code Section 54956.9(a)

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Reconvene

The City Council reconvened its meeting at 7:10 p.m. with four Councilmembers present (absent Councilmember O'Leary).

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Report on Action Taken in Closed Session

Mayor Weissman indicated nothing to report except that Councilmember Clarke arrived during 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 Barbara Honig.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF JACQUELINE BARNES, MOTHER OF CITY ATTORNEY'S OFFICE EMPLOYEE PAM GRAVES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Community Announcements By City Council Members/Information Items From Staff

Marla Wolkowitz, Culver City Sister City Committee, Inc., provided background on the organization and discussed cities involved.

Barbara Honig introduced participants from Iksan City, South Korea and their host families.

Ana Booth translated a presentation given by a chaperone from South Korea.

Donna Thayer introduced Youth Ambassadors and discussed the process to become an ambassador.

Shauna Lewis, facilitator for the Culver City Lethbridge, Canada and Uruapan, Mexico groups, discussed the Youth Ambassador program.

Mayor Weissman presented certificates of recognition to program participants from Iksan City, South Korea.

Councilmember Clarke presented certificates of appreciation to program participants from Lethbridge, Canada.

Vice Mayor Cooper presented certificates of appreciation to program participants from Uruapan, Mexico.

Mayor Weissman presented Youth Ambassador certificates.

Councilmembers drew raffle tickets for prizes from the Expo Line opening and Mayor Weissman reported an increase in overall ridership since the opening of the Expo station in Culver City.

Representatives from Iksan City, South Korea presented the City Council with an appreciation gift.

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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 VonCannon provided a neighborhood update on the Tilden Terrace project.

Paul Condran, Equipment Maintenance Manager, introduced members of his team in the Transportation Department; announced that out of 38,000 public fleets in North America, Culver City ranked third best in the nation; he discussed the alternative and natural gas programs; and he acknowledged the hard work of his staff.

The Mayor and Vice Mayor congratulated Mr. Condran and his staff and thanked them for their efforts.

Tom Camarella asked about cutouts on Duquesne and notification procedures.

Discussion ensued between Councilmembers, staff and the speaker regarding clarification that the cut outs were a preview of modifications being made as part of the Safe Routes to School grants received by the City to allow input for consideration before the final project is implemented; the Safe Routes to School grant process; whether Duquesne is part of the Gateway neighborhood; other improvements in the area; notification to the Gateway Neighborhood Association; concern with issues related to having enough space on Farragut; encouragement of public comment; posting of the plans on the City website; bike racks installed next to The Conservatory and other areas; and bike corrals.

Mayor Weissman clarified that the Successor Agency had been called to order concurrently with the City Council meeting at 7:00 p.m.

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Joint Consent Calendar

Item JC-1
(Out of Sequence)

JOINT CITY COUNCIL/CULVER CITY HOUSING AUTHORITY: Cash Disbursements

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER

CLARKE THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FROM JUNE 30, 2012 THROUGH JULY 13, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item JC-2

JOINT CITY COUNCIL/CULVER CITY HOUSING AUTHORITY: (1) Adoption of a City Council Resolution Approving the Transfer to the Culver City Housing Authority of the Rights and Obligations Under the Section 8 Annual Contributions Contract between the City of Culver City and the United States Department of Housing and Urban Development; and (2) Adoption of a Resolution by the Culver City Housing Authority Board Approving the Transfer to the Housing Authority of the Rights and Obligations of the City of Culver City Under the Section 8 Annual Contributions Contract between the City of Culver City and the United States Department of Housing and Urban Development

Councilmember Sahli-Wells discussed the importance of services provided through Section 8 Housing; the need for affordable housing; the Housing Authority for the City of Los Angeles; she suggested having a legislative roundtable with elected officials, state representatives, the City's Congress Member and Senators to look at possibilities for affordable housing in the post redevelopment world; she noted that help was necessary to replace redevelopment funding for affordable housing; and she received consensus to direct Tevis Barnes to look into creating a legislative roundtable for affordable housing.

Councilmembers expressed support for the legislative roundtable committee but proposed that it not be limited to just affordable housing.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE TRANSFER TO THE HOUSING AUTHORITY OF THE RIGHTS AND OBLIGATIONS OF THE CITY UNDER THE SECTION 8 ACC WITH HUD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Consent Calendar

Item C-1

FOUR-FIFTHS VOTE REQUIREMENT – 1) Consideration to Authorize the Acceptance and Appropriation of $24,150 in Grant Funds from the 2010 State Homeland Security Grant Program for the Purchase of Three Public Safety Portable Radios; and 2) Approval of a Related Budget Amendment

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

1. AUTHORIZE THE ACCEPTANCE OF THE 2010 HOMELAND SECURITY GRANT PROGRAM FUNDS; AND

2. APPROVE A BUDGET AMENDMENT APPROPRIATING $24,150 IN GRANT FUNDS FOR PURCHASING PUBLIC SAFETY PORTABLE RADIOS; AND (A 4/5THS AFFIRMATIVE VOTE IS REQUIRED TO APPROVE THE BUDGET AMENDMENT)

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-4
(Out of Sequence)

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Albright Avenue Street Lighting Assessment District - Fiscal Year 2012/2013 (Note: Staff Recommendation is to Continue this Public Hearing to August 6, 2012)

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: TAKE NO ACTION AND CONTINUE THIS ITEM TO AUGUST 6, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-5
(Out of Sequence)

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Higuera Street Landscape and Lighting Assessment District - Fiscal Year 2012/2013 (Note: Staff Recommendation is to Continue this Public Hearing to August 6, 2012)

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: TAKE NO ACTION AND CONTINUE THIS ITEM TO AUGUST 6, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-6
(Out of Sequence)

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2012/2013*

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: TAKE NO ACTION AND CONTINUE THIS ITEM TO AUGUST 6, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

*Informational Note from the City Clerk: Item PH-6 was reconsidered on page 13

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Item PH-7
(Out of Sequence)

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Sewer User's Service Charge - Fiscal Year 2012/2013 (Note: Staff Recommendation is to Continue this Public Hearing to August 13, 2012)

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: TAKE NO ACTION AND CONTINUE THIS ITEM TO AUGUST 13, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Vice Mayor Cooper announced that the Culver City Disability Advisory Committee is hosting a free screening of the documentary film *The Lucky Man* at the Culver City Senior Center on July 29 immediately followed by a panel discussion with Lou Gehrig's Disease medical professionals.

Item PH-1
(Out of Sequence)

Consideration of an Appeal of the Municipal Code Appeal Committee’s Decision on May 16, 2012 to Require Removal of the Kitchen Cabinets Installed in an Illegal Garage Conversion as a Condition of Approval Granting Deferred Compliance

Staff distributed color photos of the project to Councilmembers and provided a summary of the material of record.

Mayor Weissman received clarification regarding when the illegal conversion was done and by whom.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY VICE MAYOR COOPER THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Sabrina Jones provided background on the item; indicated cooperation and compliance with all requirements; she noted that cabinets could be considered storage; she discussed quotes from contractors; and she requested that they be allowed to build shelving.

Discussion ensued between Councilmembers and the speaker regarding clarification that the request is to retain the cabinets but appliances would be removed; options and allowable kitchen use; clarification that the modifications would make the area into an accessory structure; and efforts to bring the place into compliance.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Discussion ensued between staff and Councilmembers regarding storage in accessory residential structures; concern with the ability to reconvert that area into a kitchen use; parking requirements; the process for accessory residential structures; code enforcement; costs to remove the kitchen to minimize the potential of reoccurrence vs. staff costs already expended on the item; reducing the potential for future staff involvement in the case; having a covenant run with the land; clarification that the space can not be rented out but it can be occupied; the Planning Commission recommendation; concern that the place will become a permanent living space; the proposed text amendment; concern with creating a code enforcement nightmare; re-orienting the position of the cabinets; the intent of the code; clarification that plumbing and gas futures would be capped off and covered; and clarification that removing everything below and leaving the overhead cabinets would be sufficient to meet code requirements.

Discussion ensued between Councilmembers, staff and Ms. Jones regarding covenants; coming into compliance while reserving resources; conservation; concern with leaving counters in the area; a cost benefit analysis; parking issues associated with converting to a legal living space; placement of the garage; other homes in the area; parking variances; limitations to discourage use of the area as a dwelling unit; preserving zoning consistency of the neighborhood; the time frame for the project; clarification that all four options have been previously discussed and considered by the applicant; limitations of the appeal; the compliance period; a summary of the history of the issue; and City Council authority in the matter.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: DENY THE APPEAL AND AFFIRM THE MCAC'S DECISION TO REQUIRE REMOVAL OF THE KITCHEN CABINETS AS A CONDITION OF DEFERRED COMPLIANCE WITH A MODIFICATION THAT UPPER CABINETS BE RETAINED WITH EVERYTHING REMOVED BELOW THE CABINETS INCLUDING MICROWAVES, SINK AND COUNTERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Councilmember Clarke suggested that the applicant could donate the materials that have to be removed rather than throwing them out.

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Item PH-2

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for West Washington Benefit Assessment District No. 1 for Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY VICE MAYOR COOPER THAT THE CITY COUNCIL: ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-3

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for West Washington Benefit Assessment District No. 2 for Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY COUNCILMEMBER SHALI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NO. 2 FOR FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Vice Mayor Cooper indicated that he needed to recuse himself from PH-6.

Mayor Weissman reopened the item for reconsideration.

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Item PH-6
(Out of Sequence)

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: TAKE NO ACTION AND CONTINUE THIS ITEM TO AUGUST 6, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Action Items

Item A-1

Consideration of 1) a Request to Designate an Upcoming Hydraulic Fracturing ("Fracking") Symposium as a City-Sponsored Event; 2) a Fee Waiver and Use of the Mike Balkman Council Chambers and 3) the Recording, Broadcast, and Rebroadcast of the Event and Placement of the Recording on the City's Website

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Tom Camarella expressed concern that letters he had sent to the City from PXP were not included in the staff report; received clarification regarding timing of inclusion of attachments to the staff report; he indicated that PXP was invited to the symposium and declined; he emphasized the importance of the issue and public involvement; discussed questions previously asked by the City Council; he indicated that the City Council had the authority to require that PXP attend the symposium and testify under oath; he discussed disadvantages that the City and residents have vs. the advantages that PXP has; he suggested establishing an ad hoc committee to investigate the situation; and he wanted to provide the City Council with an opportunity to refute the information provided by PXP.

Councilmember Sahli-Wells disclosed that she had been an organizing member of Transition Culver City but had stepped back from it since becoming a Councilmember and had not been a part of organizing the event.

Discussion between Councilmembers and staff ensued regarding the importance of additional information; support for the symposium; compelling the presence of PXP; the importance of participation by PXP and their presentation; the importance of keeping the community discussion open and accessible; a suggestion to postpone the symposium until September when PXP might be able to participate and perhaps there could be greater public participation; the issue before the City Council; the fracking study; the oil drilling ordinance; the peer review of the fracking study; the search for a fracking expert to review the study with the City's environmental consultant; association of the experts with the oil companies; adding value to the symposium; public discussions with PXP once the revised drilling ordinance is complete; a suggestion to defer the symposium until the fracking study has been vetted; providing justification for the use of the Council Chambers; the community education process; the importance of a two-sided discussion; support for a discussion by both parties involved; the nature of what the Council wants to do; the power to compel someone to come before the City Council; charter provisions; consensus to discuss creation of an ad hoc citizens committee; maximizing staff resources; and utilizing the public.

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Item A-2

Adoption of a Resolution Approving the Argument in Favor of the Question Designated as Measure Y -– Enactment of a Half-Cent Sales Tax (which Automatically Expires after 10 Years) to be Considered by the Voters at the Special Municipal Election of November 6, 2012

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Gary Silbiger expressed concern with the ballot statement laying blame solely on the state despite the fact that other factors were involved; suggested looking within the City to make further cuts and providing detailed information on the use of consultants; discussed public bidding processes; the rate of recovery for City fees; areas of financial concern; the high amount of a variety of benefits for City supervisors; creation of a public finance and budget committee to study revenues and expenditures to make recommendations to the City Council; a separate oversight committee appointed by the City Council to monitor the tax increase; and he indicated that he would be watching to see whether the City would be looking at all possible sources of revenue or relying on the tax increase.

Discussion ensued between staff and Councilmembers regarding clarification that the language of Measure Y had been previously adopted and had been tested in the survey developed by FM3; the proposed ballot argument; wording changes proposed by Mayor Weissman; concern that the tactic of laying the blame on Sacramento could be alienating; timing of the item; the tone of the ballot argument; the naming of the measure; language used, facts cited, the legally permissible limit, and softening the tone of the language used in the ballot argument; ongoing losses; the sales tax initiative; ongoing efforts to cut expenses and look at ways of saving money; creation of a public finance committee and an oversight group to monitor how money is spent and make recommendations to the City Council; and incorporating efforts to cut expenses as part of the message.

Additional discussion ensued between Councilmembers regarding support for keeping the original language; acknowledgement that many people are angry; different ways to soften the tone of the original language; the word count; and the desire to make it clear that the City sustained three distinct hits to funding.

Councilmembers agreed to the following language: But since the recession of 2008, the City has lost $4.5 million in state funding, plus $6 million in local revenues, and $40 million annually through Sacramento’s elimination of redevelopment, thereby threatening our successes.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING THE ARGUMENT IN FAVOR OF THE QUESTION DESIGNATED AS MEASURE Y -- ENACTMENT OF A HALF-CENT SALES TAX (WHICH AUTOMATICALLY EXPIRES AFTER 10 YEARS) TO BE CONSIDERED BY

THE VOTERS AT THE SPECIAL MUNICIPAL ELECTION OF NOVEMBER 6, 2012 WITH THE AMENDMENTS PROPOSED BY MAYOR WEISSMAN AND THE LANGUAGE AGREED UPON BY THE CITY COUNCIL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Receipt of Correspondence

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, TO RECEIVE AND FILE CORRESPONDENCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-3

Consideration of a Policy Position on Assembly Bill 298 – Solid Waste: Single-Use Carryout Bags

Staff provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding the recommendation of the sustainability subcommittee; original authors who took their name off the bill; editing done between April and June; organizations in support of the bill; clarification that no opposition was on file and if the bill is signed into law the City would not need to take action; and plans by the City to come forward in September with a measure if this does not pass.

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

1. TAKE A POLICY POSITION TO SUPPORT AB 298; AND,

2. DIRECT THE CITY MANAGER TO PREPARE A LETTER FOR THE MAYOR'S SIGNATURE CONSISTENT WITH THE POLICY POSITION.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-4

Consideration of a Policy Position on Assembly Bill 1446 – The Los Angeles County Metropolitan Transportation Authority: Transactions and Use Tax

Staff provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding status of the bill; the need to fast track the item so it can get on the ballot; concern that the item could compromise Measure Y; the importance of the campaign in favor of the local tax measure; fully understanding all of the other tax measures and explaining them; and the sunset clause for Measure Y.

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

1. TAKE A POLICY POSITION TO SUPPORT AB 1446; AND,

2. DIRECT THE CITY MANAGER TO PREPARE A LETTER FOR THE MAYOR'S SIGNATURE CONSISTENT WITH THE POLICY POSITION.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

John Nachbar, City Manager, expressed appreciation to Parks, Recreation, and Community Services Commissioner Catherine Yanda for facilitating the collaboration with the Police Department in conjunction with Project Child Safe to make free gun locks available to the community, and he announced that the Culver City Plunge would be hosting the Southern California Lifeguard competition on July 27.

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Items from the City Council

Items from Councilmember Sahli-Wells

- Hoped to see everyone at the summer concert series on Thursdays in the City Hall Courtyard.

Items from Vice Mayor Cooper

- Thanked David VonCannon for noticing and addressing a potential issue with Ramadan, the Mosque and the developer, Tilden Terrace

Items from Councilmember Clarke

- Requested copies of City Council meeting minutes

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Adjournment

There being no further business, at 10:37 p.m., the City Council adjourned its meeting in memory of Jacqueline Barnes to a meeting on Monday, August 6, 2012 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

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

August 6, 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
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember
Meghan Sahli-Wells, Councilmember

Absent: Jeffrey Cooper, Vice Mayor

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Closed Session

At 6:31 PM, the City Council recessed 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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Reconvene

The City Council reconvened its meeting at 7:02 p.m. with four Councilmembers present (absent Vice Mayor Cooper).

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Report on Action Taken in Closed Session

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 Ronnie Jayne.

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Presentation

Item P-3
(Out of Sequence)

Certificates of Recognition to the Participants in the Culver City Sister City, Inc. Youth Ambassador Program

Marla Wolkowitz, Culver City Sister City, Inc. Committee, introduced chaperones participating in the program.

Karlo Silbiger, Culver City School Board, discussed his experiences in Kaizuka; expressed support for the program; and indicated that the school board would work to be more involved in the program.

Alison Burns thanked the Sister City Committee for the opportunity to chaperone; discussed her experiences in Japan; and expressed hope that the students would continue their relationships with their host families.

Shelby Miyamoto Kim, Michael Hale, Michelle Akamine, Nico Bell-Andrade, Sidney Wallace, Isabella Browning, Lada Goetzky, and Cole Thompson, students who visited Kaizuka, Japan, briefly shared their experiences in the program.

Marla Wolkowitz encouraged participation in the Senshu Marathon and introduced the Youth Ambassadors.

Councilmembers presented certificates to the Youth Ambassadors.

Youth Ambassadors briefly discussed their experiences in the program.

Marla Wolkowitz received agreement from the City Council that they would agendize a discussion of acceptance of a gift of a sign representing the sister cities for placement near City Hall.

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Item P-1

A Proclamation Designating August as Spinal Muscular Atrophy (SMA) Awareness Month

Mayor Weissman presented the proclamation.

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Item P-2

A Proclamation in Honor of the 2012 Fiesta La Ballona

Mayor Weissman indicated that the proclamation would be presented next week.

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Item P-4
(Out of Sequence)

A Commendation to Ms. Ronnie Jayne for her Service on the Cultural Affairs Commission

Councilmember Sahli-Wells presented the proclamation.

Ronnie Jayne thanked the City Council for the commendation; staff and Commissioners for their hard work; she noted that despite cuts the arts were alive in the City; and she encouraged everyone to support the arts in any way they can.

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Community Announcements By City Council Members/Information Items From Staff

Martin Cole, Assistant City Manager/City Clerk, reported that the state had suspended enforcement of the Brown Act in order to save money but he indicated that Culver City would continue to fully comply with the Brown Act; he noted that all public notifications were posted on the City website; and he provided an update on the request to consolidate the election on November 6.

Councilmember O'Leary reported attending the Expo Board meeting; he discussed the Executive Summary of the Phase 1 Noise and Vibration Study; complaints about noise in the neighborhood; and he summarized issues with the report.

Discussion ensued between Councilmembers regarding promises made for remediation measures during construction; the pending noise study to be conducted by the City; a promise to clean exterior walls for houses next to construction; and agreement by staff to follow up on the matter.

Councilmember Sahli-Wells requested that the meeting be adjourned in memory of the victims of the shooting in the Sikh Temple in Wisconsin; she noted that the Sister Cities Association educated students to be accepting of other cultures; she discussed the landing of Curiosity on Mars; she reported attending the community picnic in Blair Hills Park; she announced a meeting on August 8 at Kenneth Hahn Park to take input on the proposed nature center in Blair Hills; she reported that parents bade farewell to Amy Anderson, the former principal of Linwood Howe school on August 7; and she discussed the close of the short but successful summer concert series last week.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER O'LEARY THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF THE VICTIMS OF THE SHOOTING IN THE SIKH TEMPLE IN WISCONSIN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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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:

Marcus Tiggs invited everyone to attend Fiesta La Ballona August 24-26; he discussed events and activities; and he thanked sponsors.

Vicki Daly Redholtz, Friends of the Culver City Dog Park, introduced Peter Vogel, Laura Stuart, Dean Gebroe, and Rick Kissel; reported on their work to bring lights to the dog park; she noted that the item would be on the City Council agenda next week; and she discussed their mission and the widespread usage of the park.

Mike Meador, California Greenworks, provided background on the organization; discussed Earth Fest LA on September 15; and he asked for City sponsorship allowing banner placement in the City and assistance with publicity.

Discussion ensued between staff and Councilmembers regarding City requirements for banner placement; clarification that the ongoing event was previously held at Kenneth Hahn Park but has been moved to West LA College and many non-profit organizations in the City have been part of it; in-kind contributions; and consensus to discuss the sponsorship on the next agenda.

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Receipt and Filing of Correspondence

None.

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Joint Consent Calendar

Item JC-1

JOINT CITY COUNCIL AND PARKING AUTHORITY AGENDA ITEM: Approval of a Professional Services Agreement with Amano McGann Inc. for Maintenance Services Related to Equipment and Software for the Parking Management System at the Cardiff, Watseka and Ince Parking Structures

Discussion ensued between staff and Councilmembers regarding contingency funding on contracts; how often contingencies are paid and how often projects come in at the price paid; what happens to unused contingency funds; and staff agreement to provide further information.

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

1. APPROVE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH AMANO MCGANN IN THE AMOUNT OF $125,556 FOR MAINTENANCE AND REPAIR SERVICES OF THE ACCESS EQUIPMENT AND SOFTWARE SYSTEM IN THE WATSEKA AND INCE 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. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Consent Calendar

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-6. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Item C-1

Meeting Minutes

Discussion between staff and Councilmembers ensued regarding contracting out the meeting minutes; costs associated with the minutes; assurances the minutes would be caught up by September; concern with waste and the repetitive nature of the minutes for the different bodies that meet; clarification that separate records are required for each legal body; and corrections to spellings of names of residents who speak at meetings.

THAT THE CITY COUNCIL APPROVE MINUTES OF THE SPECIAL MEETING OF JUNE 4, 2012 AND THE ADJOURNED SPECIAL MEETING OF JUNE 5, 2012 AS CORRECTED.

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Item C-2

Approval of a Professional Services Agreement with Motorola for Monitoring and Repair of the City’s Two-way Radio System Infrastructure and Dispatch Systems

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MOTOROLA, THROUGH ITS COMMERCIAL, GOVERNMENT, AND INDUSTRIAL SOLUTIONS SECTOR, FOR MAINTENANCE, SUPPORT AND/OR OTHER SERVICES FOR THE CITY’S TWO-WAY RADIO AND POLICE/FIRE DISPATCH SYSTEMS, FOR THE ONE YEAR PERIOD JULY 1, 2012 – JULY 31, 2013, IN AN AMOUNT NOT TO EXCEED $46,640.00; 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 Granting a Permit to the Exchange Club to Conduct a Beer and Wine Garden in Veterans’ Memorial Park During the 2012 Fiesta La Ballona

Councilmember Sahli-Wells discussed her involvement in the green team for Fiesta La Ballona and efforts to make it a zero-waste event, and she wanted to make sure that the language used in the resolution did not preclude using other more ecologically friendly materials.

Discussion ensued between staff and Councilmembers regarding the original intent to avoid serving alcohol in glass bottles; safety issues; clean up; liability after the event; future provisions for an alternative to plastic; clarification that the interpretation would not be rigid if there is an alternative for use of a green cup; and provisions to make sure that things are being complied with in advance.

THAT THE CITY COUNCIL ADOPT A RESOLUTION GRANTING A PERMIT TO THE CULVER CITY EXCHANGE CLUB TO CONDUCT A BEER AND WINE GARDEN IN VETERANS' MEMORIAL PARK DURING THE 2012 FIESTA LA BALLONA.

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Item C-4

(1) Approval of the Purchase of Kompan Playground Equipment from U.S. Communities; (2) Approval of the Final Plans and Specifications; and, (3) Authorization to Publish a Notice Inviting Bids for the Fox Hills Park Playground Project (PZ958)

Councilmember Sahli-Wells expressed support for the installation of the equipment at Fox Hills Park and appreciation for the selection of the equipment.

THAT THE CITY COUNCIL:

1. APPROVE THE PURCHASE OF KOMPAN PLAYGROUND EQUIPMENT IN AN AMOUNT NOT TO EXCEED $96,000 FROM U.S. COMMUNITIES; AND,

2. APPROVE THE FINAL PLANS AND SPECIFICATIONS; AND,

3. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR THE FOX HILLS PARK PLAYGROUND PROJECT (PZ958).

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Item C-5

Approval of a Professional Services Agreement with Lawrence Roll-Up Doors, Inc. for Replacement of Existing Apparatus Bay Roll-Up Doors at Fire Station #2 (PZ132)

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LAWRENCE ROLL-UP DOORS, INC. IN THE AMOUNT OF $41,280.00 FOR THE REPLACEMENT OF THE ROLL-UP DOORS AT FIRE STATION # 2; AND,

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT-TO-EXCEED $4,128.00; AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

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

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Item C-6

Approval of on-call Professional Services Agreements with Associated Soils Engineering, Inc., Geo-Environmental, Inc., Kling Consulting Group, Inc., LaBelle-Marvin, Inc., Ninyo and Moore Consultants, Southwest Geotechnical, Inc., and Terracon Consultants, Inc. for Geotechnical Engineering and Material Testing Services

THAT THE CITY COUNCIL:

1) APPROVE ON-CALL PROFESSIONAL SERVICES AGREEMENTS WITH ASSOCIATED SOILS ENGINEERING, INC., GEO-ENVIRONMENTAL, INC., KLING CONSULTING GROUP, INC., LABELLE-MARVIN, INC., NINYO AND MOORE CONSULTANTS, SOUTHWEST GEOTECHNICAL, INC., AND TERRACON CONSULTANTS, INC. FOR GEOTECHNICAL ENGINEERING AND MATERIAL TESTING SERVICES ALL EXPIRING ON JUNE 30, 2015 FOR AMOUNTS NOT TO EXCEED THE TOTAL AMOUNT BUDGETED IN THE RESPECTIVE CAPITAL PROJECTS; 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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Public Hearings

Item PH-1

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Albright Avenue Street Lighting Assessment District - Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER SAHLI-WELLS TO RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER SAHLI-WELLS THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL: (ABSENT A MAJORITY PROTEST) ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE ALBRIGHT AVENUE STREET LIGHTING ASSESSMENT DISTRICT - FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-2

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Higuera Street Landscape and Lighting Assessment District - Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER O'LEARY TO RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

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

Holly Connors

Councilmember Sahli-Wells reported that Ms. Connors had indicated that she would be willing to pay more if necessary.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: (ABSENT A MAJORITY PROTEST) ADOPT A RESOLUTION APPROVING THE ENGINEER'S REPORT AND AFFIRMING THE EXISTING ASSESSMENT LEVY FOR HIGUERA STREET LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT - FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-3

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2012/2013 Assessment District - Fiscal Year 2012/2013

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE TO RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, O'LEARY, SAHLI-WELLS, WEISSMAN
NOES: NONE

ABSENT: COOPER

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: (ABSENT A MAJORITY PROTEST) ADOPT THE RESOLUTION APPROVING THE ENGINEER'S REPORT AND ASSESSMENT LEVY FOR LANDSCAPE MAINTENANCE DISTRICT #1 FOR FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Action Items

Item A-1

Introduction of an Ordinance Adding a New Chapter 15.12, Community Facilities District Financing, to the Culver City Municipal Code

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

Discussion ensued between staff and Councilmembers regarding the ability to supplement services; clarification on which takes precedent: the City resolution or the State Law; adopting provisions in addition to or different than State Law; supplemental regulations for Community Facilities Districts (CFDs); differences between being a general law City or a Charter City; why Mello-Roos has not been previously used; use of redevelopment and assessment districts; the cost effectiveness of bonds over time; effective use of bonds; allocating the cost of assets over time; finding the right balance in the use of bonds; types of bonds financed; weighing the benefits and taking advantage of opportunities; opportunities for private property owners; long term and lower interest available to finance projects; effects to the General Fund; concern with burdening future generations; oversight of the bond over the long-term; establishment of goals and policies; the participation of different districts; varying goals; applying goals to each district on a case by case basis; clarification that creation of any one of the districts would require Council approval; circumstances requiring the creation of a CFD where there is not time to get policies in place; instances where requiring the step slows down a process that already has consensus; changing the emphasis to make the requirement mandatory unless there is a need to make changes; concern with building in an extra step; the goal to provide flexibility with timing and establish policies later in the process; the CFD requirement for specific goals and policies; a suggestion to change the wording to focus on the timing and take out permissive vs. mandatory and indicate they can be established at any time prior to or during the process; and agreement to that change with clarification that changes would be reflected in the second reading of the ordinance.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL INTRODUCE AN AMENDED ORDINANCE ADDING A NEW CHAPTER 15.12, COMMUNITY FACILITIES DISTRICT FINANCING, TO THE CULVER CITY MUNICIPAL CODE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

John Nachbar, City Manager, pointed out that photographs of Councilmembers Clarke and Sahli-Wells had been added to the back wall of Council Chambers.

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Items from the City Council

Items from Councilmember Sahli-Wells

- Requested consensus to place a discussion of a Clean Air Resolution on a future agenda for consideration

Discussion ensued between Councilmembers regarding whether the Sustainability Committee would make a recommendation on the item and agreement to distribute the draft resolution to Councilmembers.

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Adjournment

There being no further business, at 8:43 p.m., the City Council adjourned its meeting in memory of the victims of the shooting at the Sikh Temple in Wisconsin to a meeting on Monday, August 13, 2012 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, CITY OF CULVER CITY CALIFORNIA

August 13, 2012
6:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:00 p.m.

Present: Andrew Weissman, Mayor
Jeffrey Cooper, Vice Mayor
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember

Absent: Meghan Sahli-Wells, Councilmember

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Closed Session

The City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators
Re: 12803-23 West Washington Boulevard
City Negotiators: John Nachbar, City Manager, Sol Blumenfeld, Community Development Director, Todd Tipton, Economic Development Administrator, Murray Kane, City Special Counsel
Other Parties Negotiators: Axis Mundi RE II, LLC
Under Negotiation: Price, Terms of Payment or Both, including use restrictions, development obligations and other monetary related considerations.
Pursuant to Government Code Section 54956.8

CS-2 Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – Two Cases
Pursuant to Government Code Section 54956.9(c)

Reconvene

The City Council reconvened its meeting at 7:16 p.m. with four Councilmembers present (absent Councilmember Sahli-Wells).

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Report on Action Taken in Closed Session

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 Samantha Shanman.

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Presentation

Item P-1

A Proclamation in Honor of the 2012 Fiesta La Ballona

Members of the Fiesta La Ballona Committee discussed the event; thanked volunteers and those working on the event; sang the official Fiesta La Ballona song; and thanked Fiesta La Ballona sponsors.

Mayor Weissman presented the proclamation.

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Community Announcements By City Council Members/Information Items From Staff

John Nachbar, City Manager, introduced David LaRose, Culver City Unified School District Superintendent and his family. Superintendent LaRose expressed thanks for the welcome he has received in the City.

Councilmembers welcomed Superintendent LaRose to the City.

Martin Cole, Assistant City Manager/City Clerk, presented a commercial that had been filmed in Council Chambers.

Bob Nela and Paul Reilly, Golden State Water, reported relocating their office to Green Valley Circle.

Martin Cole, Assistant City Manager/City Clerk, reported that additional information on the Golden State Water move would be available on the City website.

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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:

Gerald Sallus discussed impediments on Duquesne; expressed concern with making the road more narrow; suggested that putting in additional speed bumps could make it more dangerous for elderly and handicapped people; and he discussed liability issues.

Mayor Weissman indicated that the installation was temporary and meant to illicit comments and he suggested that Mr. Sallus could speak with Charles Herbertson, Director of Public Works.

Phyllis Owens thanked the City Councilmembers for their hard work and their families for supporting their service.

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Receipt and Filing of Correspondence

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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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 O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JULY 14, 2012 – AUGUST 3, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Consent Calendar

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-6. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Item C-1

(1) Acceptance and Appropriation of $165,387 in Grant Funds from the 2009 State Homeland Security Grant Program; and (2) Approve a Purchase Order with Commline, Inc. for the Purchase of 82 Mobile Motorola Radios

THAT THE CITY COUNCIL

1. ACCEPT THE 2009 STATE HOMELAND SECURITY GRANT PROGRAM FUNDS IN THE AMOUNT OF $165,387; AND

2. APPROVE A BUDGET AMENDMENT APPROPRIATING $165,387 IN GRANT FUNDS TO PURCHASE MOBILE RADIOS; AND, **(A 4/5THS AFFIRMATIVE VOTE IS REQUIRED TO APPROVE THE BUDGET AMENDMENT)**

3. APPROVE A PURCHASE ORDER WITH COMMLINE, INC. TO PURCHASE MOBILE MOTOROLA RADIOS; 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-2

Acceptance and Appropriation of $251,780 in Grant Funds from the 2011 Urban Area Security Initiative (UASI) Grant Program for Disaster Preparedness Equipment and Training

Councilmember O'Leary received additional information regarding automatic license plate readers.

THAT THE CITY COUNCIL:

1. ACCEPT $251,780 IN GRANT FUNDS FOR DISASTER PREPAREDNESS EQUIPMENT AND TRAINING COSTS AWARDED BY THE 2011 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM; AND;

2. APPROVE A BUDGET AMENDMENT APPROPRIATINGS AID FUNDS TO ACCOUNT41440902– URBAN AREA SECURITY INITIATIVE FOR THIS PROGRAM; AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY. **(A 4/5THS AFFIRMATIVE VOTE IS REQUIRED TO APPROVE THE BUDGET AMENDMENT.)**

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Item C-3

(1) Acceptance of Work Performed by Padilla Paving; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period for the Construction of a Public Parking Lot on City-Owned Property at 12601 Washington Boulevard

Councilmember O'Leary received clarification regarding the timeframe for installation of the kiosks; potential revenue; and loss of revenue due to delays in installation.

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, PADILLA PAVING, FOR THE CONSTRUCTION OF A PUBLIC PARKING LOT ON CITY-OWNED PROPERTY AT 12601 WASHINGTON BOULEVARD; AND,

2) AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR 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 PADILLA PAVING, INC., FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-4

Adoption of an Ordinance Adding a New Chapter 15.12, Community Facilities District Financing, to the Culver City Municipal Code

THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING A NEW CHAPTER 15.12, COMMUNITY FACILITIES DISTRICT FINANCING, TO THE CULVER CITY MUNICIPAL CODE.

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Item C-5

Approval of the Certification and Submission of the Section 8 Management Assessment Program (SEMAP)

Discussion ensued between staff and Councilmembers regarding HUD requirements; the Section 8 Management Assessment Program; improving the score of the City; the High Standing status of the City; Housing Quality Standards; the availability of units at an affordable level that are considered high quality; the difficulty of competing in the open market; reliability of certain owners; family screenings; unit inspections; the success rate of the Family Self Sufficiency program; case management; indicators consistent with non-completion of the program; relocation; overall enrollment; the extent of the HUD grant; and increases to family income and achievement of self sufficiency.

THAT THE CITY COUNCIL:

1) APPROVE THE CERTIFICATION AND SUBMISSION OF THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND,

2) AUTHORIZE THE AUTHORITY CHAIR AND THE EXECUTIVE DIRECTOR TO EXECUTE THE SEMAP CERTIFICATION.

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Item C-6

1) Approval of a License Agreement with Cannon Constructors, South Inc. for the Installation of Lighting in the Culver City Dog Park; 2) Approval of an Amendment to the Existing Memorandum of Understanding with the Friends of the Culver City Dog Park Relating to the Operation and Maintenance Costs of the Lighting to be Installed in the Culver City Dog Park; 3) Acceptance of a $35,000 Grant from the Friends of the Culver City Dog Park to be Used for the Monthly Electrical Costs Associated with the Operation of the Lighting; 4) Approval of a Related Budget Amendment (Four-Fifths Vote Requirement); and 5) Adoption of a Resolution Modifying Culver City Dog Park Hours and Rescinding Resolution No. 2004-R082

Vice Mayor Cooper reported that an anonymous donor had donated money for the lighting installation; he discussed the grant for maintenance from the Friends of the Culver City Dog Park; he praised the group and cited it as a model for successful civic involvement and thanked the group for their hard work; and he suggested that the group receive a commendation.

THAT THE CITY COUNCIL:

1. APPROVE A LICENSE AGREEMENT WITH CANNON CONSTRUCTORS SOUTH INC. FOR THE INSTALLATION OF LIGHTING IN THE CULVER CITY DOG PARK; AND,

2. APPROVE AN AMENDMENT TO THE EXISTING MOU WITH FCCDP RELATING TO THE COSTS OF OPERATION AND MAINTENANCE OF THE LIGHTING TO BE INSTALLED IN THE DOG PARK; AND,

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY; AND,

5. APPROVE ACCEPTANCE OF THE $35,000 GRANT FROM FCCDP UPON EXECUTION OF THE AMENDED MOU; AND,

6. AUTHORIZE THE CITY MANAGER TO APPROPRIATE THE GRANT FUNDS AS NEEDED FOR THE PAYMENT OF THE MONTHLY ELECTRICAL COSTS FOR THE LIGHTING INSTALLED IN THE DOG PARK; AND,

7. ADOPT A RESOLUTION MODIFYING THE HOURS OF THE DOG PARK AND RESCINDING RESOLUTION NO. 2004-082.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Adoption of a Resolution (1) Certifying Conformance with the Congestion Management Program (CMP) for Los Angeles County and (2) Adopting the CMP Local Development Report

Discussion ensued between staff and Councilmembers regarding the suspension of the credit requirement; plans to eliminate the credit system; and establishment of a congestion mitigation fee.

MOVED BY COUNCILMEMBER O’LEARY AND SECONDED BY VICE MAYOR COOPER TO RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, O’LEARY, WEISSMAN
NOES: NONE

ABSENT: SAHLI-WELLS

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: ADOPT A RESOLUTION (1) CERTIFYING CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND (2) ADOPTING THE CMP LOCAL DEVELOPMENT REPORT FOR 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item PH-2

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Sewer User's Service Charge - Fiscal Year 2012/2013

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

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER CLARKE TO RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED. THE MOTION CARRIED

BY THE FOLLOWING VOTE:

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

Discussion ensued between Councilmembers and staff regarding the potential increase; built-in incentives; and standards and compliance.

Responding to inquiry, Greg Klendner with NBS discussed the cost service analysis; structural changes in consumption patterns in different communities; allocating the costs of the system to different customer classes; incentivizing behavior; and legal requirements of Prop 218.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Mayor Weissman invited public input.

There was no response.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL: (ABSENT A MAJORITY PROTEST) ADOPT THE RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR SEWER USER'S SERVICE CHARGE FOR FISCAL YEAR 2012/2013. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, O'LEARY, WEISSMAN
NOES: NONE

ABSENT: SAHLI-WELLS

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Joint Action Items

Item JA-1

JOINT CITY COUNCIL AND SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY ITEM: (1) Successor Agency Board Adoption of a Resolution (a) Approving the Terms of the Disposition and Development Agreement Entered into by and Between the City of Culver City (City) and Combined/Hudson 9300 Culver LLC (Combined); (b) Approving the Sale and Conveyance of Real Property Located at 9300 Culver Boulevard (Parcel B) from the City to Combined; (c) Approving the Transfer of Residual Land Proceeds from the Parcel B Land Sale to the Successor Agency; and (d) Approving the City's Retention and Ownership of Certain Land for Public Parking, the Town Plaza Expansion, and for Other Public Purposes and of Certain Public Improvements Constructed as part of the Project; and (e) Acknowledging and Agreeing that the DDA Constitutes the Existence of an Enforceable Obligation Pursuant to Part 1.8 and Part 1.85 of Division 24 of the Health and Safety Code for the Purposes of, Without Limitation, the Disposition of Assets Previously Owned by the Former Culver City Redevelopment Agency; and (2) City Council Adoption of a Resolution Approving, Subject to Conditions Precedent, the Transfer of Parcel B's Residual Land Sale Proceeds from the City to the Successor Agency

Kendall Berkey, Kane, Ballmer and Berkman, provided a summary of the material of record.

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Seth Horowitz, Culver Hotel, expressed support for the item and hoped that the issue of permanent parking would be addressed in the near future.

Göran Eriksson, Chamber of Commerce, expressed support for the agenda item; offered the assistance of the Chamber; and wanted to see the process expedited.

Kevin Lachoff expressed support for the resolution and for the project.

Discussion ensued between staff and the City Council regarding clarification on the process; delays to the project; expected revenues; sales tax revenue and property taxes; potential actions of the Oversight Board; the Department of Finance; submission of a long-range plan; the appeals process; the review process; the public parking component; the currently proposed project; and potential sales tax revenue generation.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY VICE MAYOR COOPER THAT THE CITY COUNCIL: ADOPT A RESOLUTION, WHICH SETS FORTH THE FOLLOWING:

1. PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED (COLLECTIVELY, THE "CONDITIONS"), APPROVE THE CITY'S TRANSFER TO THE SUCCESSOR AGENCY OF THE RESIDUAL PROCEEDS RECEIVED FROM THE SALE OF THE DEVELOPER PARCEL TO THE DEVELOPER FOR THE SUCCESSOR AGENCY'S USE AND DISTRIBUTION FOR APPROVED DEVELOPMENT PROJECTS OR TO OTHERWISE WIND DOWN THE AFFAIRS OF THE SUCCESSOR AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177(E):

A. THE SUCCESSOR AGENCY ADOPTS THE SUCCESSOR AGENCY RESOLUTION (AS DEFINED IN THE CITY COUNCIL RESOLUTION);

B. THE OVERSIGHT BOARD ADOPTS THE OVERSIGHT BOARD RESOLUTION (AS DEFINED IN THE CITY COUNCIL RESOLUTION); AND

C. THE DEPARTMENT OF FINANCE EITHER DOES NOT REVIEW THE OVERSIGHT BOARD RESOLUTION WITHIN THE TIME PERIOD SET FORTH IN THE DISSOLUTION ACT AND THE OVERSIGHT BOARD RESOLUTION AND THE ACTIONS THEREIN ARE DEEMED EFFECTIVE PURSUANT TO THE DISSOLUTION ACT OR (B) THE DEPARTMENT OF FINANCE REVIEWS THE OVERSIGHT BOARD RESOLUTION WITHIN THE TIME PERIOD SET FORTH IN THE DISSOLUTION ACT AND THE DEPARTMENT OF FINANCE APPROVES OF THE OVERSIGHT BOARD RESOLUTION AND THE ACTIONS THEREIN; AND

2. PROVIDED THAT ALL OF THE CONDITIONS ARE SATISFIED, AUTHORIZE AND DIRECT THE EXECUTIVE DIRECTOR OF THE SUCCESSOR AGENCY, OR HIS OR HER DESIGNEE, AND THE CITY MANAGER, OR HIS OR HER DESIGNEE, TO TAKE ALL ACTIONS AND SIGN ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND EFFECTUATE THE DDA AND THE ACTIONS APPROVED BY THIS RESOLUTION INCLUDING, WITHOUT LIMITATION, APPROVING EXTENSIONS OF DEADLINES SET FORTH IN THE DDA AND THE SCHEDULE OF PERFORMANCE (ATTACHMENT NO. 4 TO THE DDA) AS DETERMINED NECESSARY BY THE CITY MANAGER, OR HIS OR

HER DESIGNEE, UNDER THE DDA, APPROVING AMENDMENTS TO THE DDA AND ITS ATTACHMENTS AS DETERMINED NECESSARY BY THE CITY MANAGER, OR HIS OR HER DESIGNEE, TO EFFECTUATE THE DDA, EXECUTING DOCUMENTS ON BEHALF OF THE SUCCESSOR AGENCY AND CITY (INCLUDING, WITHOUT LIMITATION, GRANT DEEDS OR QUITCLAIM DEEDS), AND ADMINISTERING THE SUCCESSOR AGENCY'S AND CITY'S OBLIGATIONS, RESPONSIBILITIES AND DUTIES TO BE PERFORMED PURSUANT TO THIS RESOLUTION; AND

3. ACKNOWLEDGE THAT THE CITY DOES NOT INTEND, BY ADOPTION OF THE RESOLUTION, TO WAIVE ANY CONSTITUTIONAL, LEGAL AND/OR EQUITABLE RIGHTS OF THE SUCCESSOR AGENCY OR THE CITY UNDER LAW AND/OR IN EQUITY, INCLUDING, WITHOUT LIMITATION, THE EFFECTIVENESS OF THE DDA OR PREVIOUS ACTIONS TAKEN WITH RESPECT TO THE DDA, BY VIRTUE OF THE ADOPTION OF THIS RESOLUTION AND ACTIONS APPROVED AND TAKEN PURSUANT TO THIS RESOLUTION AND, THEREFORE, RESERVES ALL SUCH RIGHTS OF THE SUCCESSOR AGENCY AND THE CITY UNDER LAW AND/OR IN EQUITY.
THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Action Items

Item A-1

(1) Discussion of and Direction Related to Potential Traffic Mitigation Measures on Sawtelle Boulevard between Sepulveda Boulevard and the City Boundary at Ballona Creek; and (2) Adoption of a Budget Amendment Associated with any Desired Traffic Mitigation Measures

Gabe Garcia, Traffic Engineering Manager, provided a summary of the material of record.

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Jim Shanman expressed support for the installation of a cross walk.

Allison Pryharski shared her observations of the traffic issues; expressed concern with the location of the stoplight; cited issues getting in and out of her driveway; and asked for clarification on traffic goals.

Doug Smith expressed opposition to installation of a stop sign or a stoplight and concern with diverting traffic into Sunkist Park on Hayter.

Neil Glickman felt that that the accident had been preventable; discussed a request for traffic mitigations at a previous City Council meeting; formulas for response time; he suggested a traffic control device on Culver Drive and Sawtelle; discussed the speed of traffic; concerns with blind spots; slowing the cars down that enter and exit Culver City; and landscaping in the medians.

Dave Stewart expressed disagreement that the proposed measures would not have prevented the accident; he questioned the number of residents who did not support traffic mitigations; he wanted to see a pedestrian controlled, on-demand stop light on Sawtelle between the bridge and Sepulveda; and he hoped that actions would be taken to protect residents.

Judith Martin Straw felt that the traffic mitigation studies had not served the community well; she discussed delays to consideration of the item; the weak response of residents; the fact that parents drive their children to school rather than walk due to the danger involved; she urged the City Council to move forward; and she expressed concern with achieving a 4/5 vote.

Mary Banks-Levine presented photographs of the area; discussed the speed monitor and the need to protect those crossing Sawtelle Boulevard; she proposed that a turnaround be placed at the Sawtelle and McDonald intersection; expressed support for an interim stop sign at Hayter and Sawtelle; and discussed ways to slow traffic.

Jonathan Varsano discussed the dangers of crossing Sawtelle; traffic studies; felt that a crosswalk was a good start but additional mitigations were necessary; he discussed school pedestrian traffic; coordination with Los Angeles; issues with the vote taken; the importance of the safety issue; he presented photographs and renderings; and discussed maintenance of the traffic median.

Brian Hammer asserted that Sawtelle was similar to a freeway; he noted that few people adhered to the signage; and he felt the proposal was a step in the right direction but more mitigations were needed.

Michael Hamill noted the importance of a safe crossing across Sawtelle; acknowledged the many different opinions on the matter; discussed expert opinion; the need to slow traffic down; facilitating getting children to school and to the park; the Playa Vista Fund; and speed enforcement.

Bryan Arenas wanted to see an on-demand traffic light placed on the bridge similar to the on-demand light located on Culver Boulevard and he discussed the blind curve.

Bernard Bronstein thanked staff and Vice Mayor Cooper for their assistance; expressed concern that non-participating households represented a no vote; discussed the primary reason for non-consensus; proposed mitigations; increased traffic with additional students at El Marino; he expressed support for the recommendations; observed that few cars parked on Sawtelle due to traffic speeds; and he discussed extending the bike lane.

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

Laura Stuart
Pete Chiabaudo
Mark Oates

Discussion ensued between staff and Councilmembers regarding the traffic signal warrants analysis conducted 13 years ago; criteria that needs to be met; traffic volume; the number of accidents in the intersection; whether it is mandatory that the traffic warrants are met; the City of Los Angeles; Culver Drive vs. the proposed intersection; state warrants; steady crossing population; the lack of focus on where to cross; funneling crossings to one location; the proposed stop sign as an interim measure; installation of a full stop light at a later date; and budget considerations.

Councilmember O'Leary moved to approve items 6-9 with the interim stop sign option; identification of funding for a permanent light; assignment of Culver City staff to work with the City of Los Angeles; and obtain permission from the City of Los Angeles to install extra signage on the bridge to warn of the upcoming signals.

Additional discussion ensued between staff and Councilmembers regarding the dangers of the stop sign when it is first installed; making the light speed activated; effects to neighbors; a suggestion to restrict the light to be no right turn on red to discourage cut-through traffic; concern with negative affects to the neighborhood; mitigating driveway issues; money connected to the Playa Vista project; expediting the traffic light project; remaining funds; repeated traffic mitigation requests from Sunkist Park residents over many years; the speed humps on Segrell; concern with shifting issues to other streets; the location of the flashing beacons; speed feedback signs; solar powered signs vs. hard wired signs; the involvement of Los Angeles; visibility; safe passage across Sawtelle; evaluating the effects of the stop sign; traffic enforcement; the offset intersection; utilizing crossing guards; safe routes to schools funding; pursuing grants; willingness to work with the City of Los Angeles; and costs for a new hard wired sign.

MOVED BY VICE MAYOR COOPER AND SECONDED BY COUNCILMEMBER O’LEARY THAT THE CITY COUNCIL:

1. DISCUSS THE VARIOUS OPTIONS PRESENTED BY STAFF AND PROVIDE STAFF WITH APPROPRIATE DIRECTION; AND

2. DIRECT STAFF TO INSTALL:
A. ITEM 5, POSTING OF REGULATORY SPEED LIMIT SIGNS;
B. ITEM 6, INSTALLATION OF YELLOW FLASHING BEACONS OVER THE TWO EXISTING SPEED FEED-BACK SIGNS;
C. ITEM 7, THE STRIPING OF BICYCLE LANES;
D. ITEM 8, THE STRIPING OF PSYCHO-PERCEPTIVE SPEED-REDUCING STRIPING; AND

3.A. DIRECT STAFF TO EXPLORE IF FUNDING CAN BE INCLUDED IN THE NEXT FISCAL YEAR’S BUDGET, AND DIRECT THE INSTALLATION OF A TRAFFIC SIGNAL AND HIGH VISIBILITY MARKED CROSSWALKS ON SAWTELLE BOULEVARD, AT THE OFF-SET INTERSECTION OF BLANCO WAY-HAYTER AVENUE, WHEN FUNDING HAS BEEN SECURED, AND THE REMOVAL OF THE INTERIM THREE-WAY STOP CONTROL; AND
3.B. IF STAFF IS DIRECTED TO INSTALL A TRAFFIC SIGNAL AND HIGH VISIBILITY MARKED CROSSWALKS, THEN, AS AN INTERIM MEASURE, AND
3.B.II. ITEM 9, OPTION B: DIRECT STAFF TO INSTALL INTERIM ALL-WAY STOP CONTROL, FLASHING RED BEACONS, AND MARKED HIGH VISIBILITY CROSSWALKS;

4. APPROVE A BUDGET AMENDMENT AND APPROPRIATION OF FUNDS FROM THE SUNKIST PARK/PLAYA VISTA MITIGATION FUND, NOT TO EXCEED $25,500 IF ITEMS 5, 6, 7, 8, AND 9 OPTION A ARE DIRECTED FOR INSTALLATION; OR $40,500 IF ITEMS 5, 6, 7, 8, AND 9 OPTION B ARE DIRECTED FOR INSTALLATION, IN THE 2012-2013 FISCAL YEAR (A BUDGET AMENDMENT REQUIRES A 4/5 VOTE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-2

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

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

Discussion ensued between staff and Councilmembers regarding revisiting the matter again in one year as part of the neighborhood review; changes in traffic patterns; speed humps at Sawtelle and Culver Park Drive; continued use of the streets for cut-through traffic; decreased speeds; and concern that the humps had been paved over when the streets were repaved.

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

1A (STAFF RECOMMENDATION) APPROVE AS PERMANENT THE TEN SPEED HUMPS INSTALLED ON CULVER PARK DRIVE AND SEGRELL WAY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-3

(1) Designation of the City's Voting Delegate and up to Two

Alternate-Delegates and (2) Taking of Positions on the Five Policy Resolutions Submitted to the General Assembly for the League of California Cities

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

1. DESIGNATE COUNCILMEMBER O'LEARY AS THE VOTING DELEGATE AND COUNCILMEMBER CLARKE AS ALTERNATE DELEGATE,
2. TAKE THE POSITIONS REGARDING THE FIVE RESOLUTIONS PRESENTED TO THE GENERAL ASSEMBLY FOR CONSIDERATION AS OUTLINED IN THE STAFF REPORT; AND,
3. AUTHORIZE THE VOTING DELEGATE AND VOTING DELEGATE–ALTERNATE TO CAST VOTES EXERCISING REASONABLE DISCRETION IN THE CASE CIRCUMSTANCES AT THE GENERAL ASSEMBLY WARRANT A CHANGE IN VOTE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-4

Adoption of Los Angeles Permit Group's Position and Comments on the Draft Countywide Municipal Separate Storm Sewer System Permit

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: ADOPT THE LOS ANGELES PERMIT GROUP'S POSITION AND COMMENTS ON THE DRAFT MS4 PERMIT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item A-5

Consideration of City Sponsorship of the Seventh Annual EarthFest LA at West Los Angeles College on September 15, 2012 and Approval of Memorandum of Understanding Related thereto

Discussion ensued between staff and Councilmembers regarding the process; banners; official roles for staff or City elected officials at the event; and clarification that Vice Mayor Cooper did not need to recuse himself from consideration of the item.

Mike Meador, California Greenworks, indicated that they would welcome any participation by staff or Councilmembers.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL: DETERMINE THAT THE CRITERIA IN CITY COUNCIL POLICY STATEMENT 2008-01 HAVE BEEN MET AND DESIGNATE THE 2012 EARTHFEST LA AS A CITY SPONSORED EVENT CONTINGENT UPON CALIFORNIA GREENWORKS AGREEING TO IDENTIFY THE CITY IN THEIR PROMOTIONAL ACTIVITIES AND DOCUMENTS AS A SPONSOR OF THE EVENT AND APPROVE A MOU RELATED THERETO; AND, AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND, AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

There was no response.

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Items from the City Council

Items from Councilmember Clarke

- Reported going on a ride-along with the Culver City Police Department

- Received consensus to agendize a letter of support for reappointment of two Culver City members to the Baldwin Hills Conservancy

Items from Vice Mayor Cooper

- Urged everyone to attend Fiesta La Ballona on August 24-26 and enjoy the rest of the summer

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Adjournment

There being no further business, at 10:07 p.m., the City Council adjourned its meeting to a meeting on Monday, September 10, 2012 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