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UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

April 22, 2013
5:30 p.m.

Call to Order & Roll Call

Mayor Weissman called the meeting of the City Council to order at 5:30 p.m.

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

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Closed Session

At 5:30 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Public Employee Performance Evaluation
Title: Chief of Police
Pursuant to Government Code Section 54957

CS-2 Conference with Legal Counsel - Existing Litigation
Re: Administrative Appeal to State Water Resources Control
Board of NPDES MS4 Permit; SWRCB/OCC File A-2236
Pursuant to Government Code Section 54956.9(a)

CS-3 Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - (1 item)
Pursuant to Government Code Section 54956.9(d)(2)

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Reconvene

The City Council reconvened its meeting at 7:03 p.m. with all Councilmembers present.

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Report on Action Taken in Closed Session

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

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Invocation/Pledge of Allegiance

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

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Presentations

Item P-2
(Out of Sequence)

Presentation of a Commendation on the Occasion of the 40th Anniversary of the Retired and Senior Volunteer Program (RSVP)

Mayor Weissman presented the proclamation.

Councilmember O'Leary announced that volunteer Mary Levelle had received a commendation from President Obama for her work at the VA hospital.

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Item P-1

Presentation of a Proclamation in Honor of Earth Day

Councilmember Sahli-Wells presented the proclamation to Cathi Vargas.

Cathi Vargas, Environmental Coordinator, thanked the City for the work done to help the environment.

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

Martin Cole, Assistant City Manager/City Clerk, reported that the application period for City Commissions, Committees and Boards opened on April 18, 2013 and additional information is available on the City website or by calling the City Clerk's Office.

Chief of Police Donald Pederson discussed the event at the EcoStation in honor of Earth Day; he thanked the City Council for their leadership in making the CicLAVia event happen and those who staffed the event; and he noted that CicLAVia was a large event and in light of the events in Boston, he encouraged anyone who hears or sees anything that concerns them to alert the police.

Councilmember O'Leary commended a vigilant employee at a local restaurant that recognized someone from a wanted photograph and alerted Culver City Police who were then able to apprehend the suspect.

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 GERDA MELMAN, MOTHER OF JEFF MELMAN.

Councilmember Clarke wished everyone a Happy Earth Day; discussed local events; thanked those who worked to make Culver City a successful hub for CicLAVia; reported that he and Councilmember Sahli-Wells had taken a tour of the State Water Project; and he thanked the Sister City Committee noting that he would be participating in the Sister City exchange with Kaizuka, Japan.

Vice Mayor Cooper invited everyone to the 10th Annual Culver City Car Show and the 10th Annual Fire Department Pancake Breakfast, both on May 11th.

Councilmember Sahli-Wells announced a Community Advisory Panel meeting to comprehensively review the Community Standards District that regulates oil drilling for the Inglewood Oil Fields on April 25 at Kenneth Hahn Park; she discussed the success of CicLAVia; the annual PTA Awards for Culver City Unified School District; the Earth Day event at Linwood Howe

School; and The Green Five Initiative.

Councilmember O'Leary suggested that The Green Five song be posted on the City's website.

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Receipt of Correspondence

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

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Joint Public Comment - Items Not on the Agenda

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Eric Sims, Downtown Business Association, discussed the success of CicLAVia, he thanked all those involved for helping to make the event go smoothly, and he noted that economic development was alive and well in Culver City.

Jose Munoz, Culver City Little League, distributed pictures to Councilmembers and expressed concern with safety and the lack of response by the City to alleviate the condition of the fields due to gopher issues.

Daniel Hernandez, Director of Parks, Recreation and Community Services, discussed work done by staff to address the issue and tentative agreements from discussions with Culver City Little League.

Discussion ensued between staff and Councilmembers regarding addressing the problem in the short term since the season is winding down.

Elena Sweda Neff discussed Earth Day; comments made by Mayor Bloomberg in New York City; the plastic bag ban; the need to adapt quickly; short term solutions vs. long-term consequences; fracking; the environmental review process; reusable bags; whether reusable bags have become the new

disposable bags; and she encouraged the City to challenge the status quo.

Sandrine Cassidy Schmitt, Ballona Creek Renaissance, invited everyone to help clean up Ballona Creek at the Centinela Bridge on April 27.

Mary Beth Trautwein, Rediscover Center, reported that they work on Earth Day issues all year round and she discussed their use of trash for education purposes.

Councilmember Clarke encouraged anyone that had things to dispose of to donate them to the Rediscover Center.

Prisca Gloor expressed disappointment that the City Council had not endorsed four items on the gun-violence agenda last time; she provided statistics on gun violence; discussed various tragedies involving guns; the Second Amendment; background checks vs. the ban on assault weapons; the inability of the Federal government to act on the matter; the U.S. Military Industrial Complex; she felt that action at the local level was important; and she asked the City Council to do their part to act for the people.

Mayor Weissman reported that the City Council had taken a position against assault weapons and high capacity magazines and also to expand background checks.

Donna Kent, Downtown Neighborhood Association, expressed pride in the actions taken by the City to support the environment but she expressed concern regarding the lack of gun regulations; she wanted the City Council to be a model and felt the City Council held a lot of power to inspire other City Councils in the state and all over the Country; and she encouraged the City Council to stay true to the principals that 90% of the country wants better gun control.

Margot Bennett discussed actions by the City Council at the previous meeting and she discussed people killed and wounded during the past week.

Carlene Brown, Community Coalition to Prevent Gun Violence, expressed gratitude that Councilmember Clarke had met with them but disappointment that the Second Amendment took precedent over her First Amendment rights for free speech at the last City Council meeting; she reported doing research on the agenda item for the previous meeting; expressed

concern that her written public comment was not read; discussed comments made by Councilmember Clarke regarding the position of the City Council; staff member approvals; she requested discussion of the Americans for Responsible Solutions measure; she discussed the staff report; and she asserted that the City Council did not take action by going along with the open letter from the nation's Mayors that Mayor Weissman had already signed.

Jazmine Guillen, Coalition for Smoke-Free Living in Culver City, reported that she had been responsible for tobacco education outreach for Culver City residents for the past three years; she discussed her survey of multi-unit residents; support for a law establishing a smoke-free policy; she discussed the dangers of second hand smoke; and she reported that UCLA had become 100% smoke free in honor of Earth Day.

Discussion ensued between staff and Councilmembers regarding consideration of the issue by the Sustainability Committee; when the item would be agendized; previous information provided to the City Council; material provided by the Coalition; agendizing the item vs. Sustainability Committee consideration; the City's grade from the American Lung Association; smoking in multi-unit housing; staff study; changes to ordinances; consideration by the City Attorney's Office; and City Council consensus that the Sustainability Committee meet to consider the item.

Sherman Kingsley, Coalition for Smoke-Free Living in Culver City, urged the City Council to take up the issue and move it through the subcommittee as soon as possible.

Trevor Young, Coalition for Smoke-Free Living in Culver City, discussed rules for the condo that he lives in; noted that the weather was changing and he wanted to open his windows but would not be able to due to second hand smoke; and he encouraged the City Council to take action.

Angela de Dios, Coalition for Smoke Free Living in Culver City, asked that the City Council please agendize the item and she discussed how her neighbor affects her enjoyment of her home.

Adam Lane, Coalition for Smoke Free Living in Culver City, discussed the changing weather and his inability to open up

the windows as well as the effects of second hand smoke on his soon to be born baby.

Joshua Brindle, Coalition for Smoke Free Living in Culver City, reported that they had been working for some time to address the problem; he discussed affects to quality of life; and he read comments on behalf of a current resident unable to attend the meeting.

Stephen Murray, Baldwin Hills Oil Watch, discussed fracking, democracy, and rights; he presented a proposed amendment to ban fracking within the City and the vicinity; he provided information on how to get a copy of the amendment; and he reported that they planned to bring the amendment to the ballot for a vote of the people.

Doug Shields, former Pittsburgh (Pennsylvania) City Councilmember, provided background on himself; reported that Pittsburgh had enacted a Community Rights Ordinance banning the extraction by hydraulic fracturing of shale gas in 2010; he indicated that they were never sued and do not have fracking in their City; he discussed health, welfare and safety concerns; community assets responding to a corporate interest; he invited everyone to visit Pittsburgh; and he asked the City Council to consider a Community Rights Ordinance for Culver City.

Michelle Weiner asked the City Council to reagendize the issue of gun control; she discussed violence against women; she expressed concern regarding the possibility that agreements were made ahead of time; and concern with the Brown Act.

Elena Sweda Neff, Los Angeles West Vector Control District, reported the first West Nile Virus positive in Lomita; updates to the websites; and she noted that the City was picking up crows that have been dead for less than 24 hours.

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

Jacob Brown

Councilmember Clarke read a statement that he had written regarding gun violence prevention measures considered at the last City Council meeting; he discussed the historical reluctance of the City Council to take a position on

legislation; the ad hoc legislation subcommittee; issues impacting the City; staff guidelines; letters of support or opposition; City Council intent; the issue of gun violence; adopting principals to guide staff when considering legislative proposals; time constraints preventing the City Council from considering each bill; principals adopted by the City Council at the April 8, 2013 City Council meeting; he expressed pride in the action of the City Council; and he asserted that The Brown Act had not been violated.

Councilmember Sahli-Wells reported that she had been disappointed at the outcome of the previous City Council meeting as they were not able to vote on what was specifically on the agenda; she indicated that she would be happy to reagendaize specific measures; she discussed the role of the City Council; and requests from the community.

Councilmember Sahli-Wells moved that the City Council reagendaize consideration of specific measures regarding gun control legislation. The motion died for lack of a second.

Councilmember Sahli-Wells discussed the Community Rights Ordinance recently passed in Santa Monica; she thanked Councilmember Shields of Pittsburg and active community members working on the item; and she wanted to make sure that the oil drilling subcommittee would be able to discuss that model at the next meeting.

Discussion ensued between staff and Councilmembers regarding staff efforts to move the item forward, and scheduling a meeting of the oil drilling subcommittee in the near future.

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Joint Consent Calendar

Item JC-1

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

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR MARCH 30, 2013 - APRIL 12, 2013.

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Consent Calendar

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

Item C-1

Adoption of a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments for the Higuera Street Landscaping and Lighting Maintenance District and Ordering the Preparation of the Engineer's Report Thereon for Fiscal Year 2013/2014

THAT THE CITY COUNCIL ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE HIGUERA STREET LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT, THEREON FOR FISCAL YEAR 2013/2014.

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Item C-2

1) Acceptance of Work Performed by California Professional Engineering; 2) Authorization to File the Notice of Completion; and (3) Authorization to Release the Retention Payment after Expiration of the 35-day Lien Period for the Construction of the Sepulveda Boulevard Widening Project (Phase II), Street Lighting Upgrade, P-881

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, CALIFORNIA PROFESSIONAL ENGINEERING FOR CONSTRUCTION OF THE SEPULVEDA BOULEVARD WIDENING PROJECT (PHASE II), STREET LIGHTING UPGRADE, P-881; AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY REGISTRAR-RECORDER'S OFFICE FOR RECORDATION; AND,
3. AUTHORIZE THE RELEASE OF RETENTION FUNDS TO CALIFORNIA PROFESSIONAL ENGINEERING FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-3

Adoption of a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments for the Albright Avenue Streetlight Assessment District and Ordering the Preparation of the Engineer's Report Thereon for Fiscal Year 2013/2014

THAT THE CITY COUNCIL ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE ALBRIGHT AVENUE STREETLIGHT ASSESSMENT DISTRICT AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT THEREON FOR FISCAL YEAR 2013/2014.

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Item C-4

Adoption of a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments for the Landscape Maintenance District Number 1 and Ordering the Preparation of the Engineer's Report Thereon for Fiscal Year 2013/2014

THAT THE CITY COUNCIL: ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT THEREON FOR FISCAL YEAR 2013/2014.

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Item C-5

Award a Construction Contract to Unique Performance Construction, Inc., as the Lowest Responsive and Responsible Bidder, in the Amount of \$147,240 (with Change Order Authority of \$17,000) to Complete the Necessary Work for the Washington Place Streetlight Improvement Project, Phase II, P-684

THAT THE CITY COUNCIL:

- 1) AWARD A CONTRACT TO UNIQUE PERFORMANCE CONSTRUCTION, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE WASHINGTON PLACE STREETLIGHT IMPROVEMENT PROJECT, PHASE II, IN THE AMOUNT OF, \$147,240.00, BASED ON ITS BID; AND,
- 2) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED \$17,000.00, 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

Adoption of a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments for the West Washington Benefit Assessment District Number One and Ordering the Preparation of the Engineer's Report Thereon for Fiscal Year 2013/2014

THAT THE CITY COUNCIL ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NUMBER ONE AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT THEREON FOR FISCAL YEAR 2013/2014.

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Item C-7

Adoption of a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments for the West Washington Benefit Assessment District Number Two and Ordering the Preparation of the Engineer's Report Thereon for Fiscal Year 2013/2014

THAT THE CITY COUNCIL: ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NUMBER TWO AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT THEREON FOR FISCAL YEAR 2013/2014.

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Order of the Agenda

No changes were made.

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Joint Action Item

Item JA-1

CITY COUNCIL/HOUSING AUTHORITY/PARKING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY JOINT AGENDA ITEM: (1) City Council Election of its Mayor and Vice Mayor; (2) Confirmation by the Housing Authority/Parking Authority/Successor Agency/Financing Authority that the Mayor and Vice Mayor of the City Shall Serve as Chair and Vice Chair of these Bodies, Respectively; and (3) Direction Related to the Upcoming Agenda Item for City Council Outside Agency/Subcommittee Appointments

Mayor Weissman thanked the Chamber of Commerce for the Mayor's Luncheon and for those who attended; he discussed the past year in the community; approval of the local sales tax; recognition of the important quality of life aspects in Culver City; the structural deficit; reserves; sales tax revenues; his tenure as Mayor; and he expressed appreciation to colleagues, staff and the community.

Councilmembers expressed gratitude to the Mayor for his leadership.

Discussion ensued between Councilmembers regarding the policy for the Mayoral selection.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ELECT VICE MAYOR COOPER TO SERVE AS MAYOR OF CULVER CITY.

Mayor Cooper assumed the Chair and thanked friends, family, neighbors, colleagues, and the community; he discussed past successes and challenges ahead; actions by the state; the lack of regulations or guidelines for hydraulic fracking; City Council actions to protect citizens; and he expressed pride in being about to lead the City.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ELECT MEGHAN SAHLI-WELLS TO SERVE AS VICE MAYOR.

Mayor Cooper invited public participation.

The following member of the audience addressed the City Council:

Gary Silbiger expressed concern regarding the secretive nature of the committees in which two Councilmembers meet with staff; he discussed interagency committees; the five committees

containing two Councilmembers and staff; he expressed concern with public participation and noticing; he discussed Californians Aware; and he encouraged the City Council to keep the Committees but include the public in the process.

Discussion ensued between staff and Councilmembers regarding the ability of Councilmembers to discuss issues with their colleagues; community participation; The Brown Act; a request to agendize a discussion of standing and ad hoc committees; and a request that agenda items from the previous discussion be distributed to City Councilmembers.

Councilmembers indicated that they would prefer a short staff report regarding appointments to outside agencies/subcommittees at the May 13, 2013 City Council meeting.

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Public Comment - Items Not on the Agenda

Mayor Cooper invited public comment.

None.

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Items from the City Council

None.

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Adjournment

There being no further business, at 8:58 p.m., the City Council adjourned its meeting in memory of Gerda Melman, mother of Jeff Melman, to a meeting on Monday, May 13, 2013 at 7:00 p.m.

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

April 22, 2013

JEFFREY COOPER
MAYOR of the City of Culver City, California