REGULAR MEETING OF THE
CITY COUNCIL,
CULVER CITY,
CALIFORNIA

May 13, 2013
5:00 p.m.

Call to Order & Roll Call

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

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

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Closed Session

At 5:31 p.m., 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/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director, and Todd Tipton, Economic Development Administrator

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 Public Employee Performance Evaluation

Title: Fire Chief

Pursuant to Government Code Section 54957

CS-3 Conference with Legal Counsel - Anticipated Litigation

Re: Initiation of Litigation - 2 Matters
Pursuant to Government Code Section 54956.9(d)(4)

CS-4 Conference with Real Property Negotiators

Re: Various Underground Pipelines Throughout the City

City Negotiators: City Manager John Nachbar; Assistant City Manager Martin R. Cole

Other Parties Negotiators: Chevron, Conoco-Phillips, Exxon/Mobil, Plains Exploration and Production Company, Shell
Under Negotiation: Both Terms and Price
Pursuant to Government Code Section 54956.8

CS-5 Conference with Legal Counsel - Existing Litigation
Re: Simplis, Kandace et al. v. City of Culver City (Case No. CV-9497 JHN (MANx))
Pursuant to Government Code Section 54956.9(a)

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Reconvene

Mayor Cooper reconvened the meeting at 7:19 p.m. with all Councilmembers present.

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Report on Action Taken in Closed Session

Mayor Cooper indicated there was nothing to report from closed session except that item CS-4 had not been discussed.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was previously done by Paul Ehrlich.

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Presentations

Item P-1

A Proclamation Designating May as Older Americans' Month

Councilmember Clarke presented the proclamation.

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Item P-2

Presentation of a Commendation to CoCo Rubalcava, 2013 Senior of the Year

Councilmember Weissman presented the commendation to CoCo Rubalcava.

CoCo Rubalcava thanked the City Council for the honor and expressed appreciation for being able to help others.

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Item P-3

A Proclamation Designating May as Historic Preservation Month

Councilmember O'Leary presented the proclamation.

Louise Coffey-Webb, President of the Culver City Historical Society, thanked the City and residents for the honor.

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Item P-5
(Out of Sequence)

A Proclamation Designating May 13 - 19 as Bike Week 2013

Vice Mayor Sahli-Wells presented the proclamation.

Lynn Goldsmith, Transportation Planning Manager for the Metro Bike Program, discussed the growing number of riders.

Patrick, a volunteer for the Culver City Bicycle Coalition, announced two pit stops on May 16 for Bike to Work Day.

Sylvia Bianchi, Executive Director of the Culver City Downtown Business Association, announced businesses offering specials for Bike to Work Day on May 16.

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Item P-4

Presentation of Certificates of Recognition to Ms. Alexandra Coatney and Her Students from Echo Horizon School

Mayor Cooper presented the Certificates of Appreciation.

Students explained how they worked to clean up Ballona Creek and improve water quality in the community.

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Item P-6

A Presentation to the City Council from the West Basin Municipal Water District - May is Water Month

Edward C. Little, Board Member of the West Basin Municipal Water District, discussed increasing water needs and the importance of conserving water, and he recognized West Los Angeles College, Haas Entertainment, the City of Culver City, and the Culver City Unified School District for their help in water conservation.

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Item P-7

A Presentation to the City Council from the Government Finance Officers Association - Distinguished Budget Presentation Award for Fiscal Year 2012/2013 and the Certificate of Achievement for Excellence in Financial Reporting for the Year Ending June 30, 2011

Jeff Muir, Chief Financial Officer, expressed appreciation for the award and thanked the City Council and staff for making it possible.

Martin Cole, Assistant City Manager/City Clerk indicated that the City had received the award for excellence in budgeting and handling of municipal finances for many, many years.

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Community Announcements By City Council Members/Information Items From Staff

Councilmember Clarke reported that Culver City High School student Ariana Pacino had been selected for the Congressional Art Contest and Jaimal Ichhraim is a National Merit Scholarship Finalist; he reported on the Sister City Exchange trip to

Kaizuka, Japan for the 70th anniversary of the City; and he discussed gifts brought back for the City.

Councilmember O'Leary presented an update from the Metro Expo Construction Authority Board meeting regarding noise issues; discussed the sound study; the Independent Cities Association meeting; fracking issues; bills to be reviewed; and the opening of the Malibu Lagoon.

Vice Mayor Sahli-Wells congratulated the new Finance Advisory Committee; thanked Chief Financial Officer Jeff Muir for taking on the Committee; announced that Bike Week was May 13-19; reported attending the Culver City Education Foundation Fundraiser at Sony Studios and congratulated the honorees; reported attending the Car Show and Fire Service Day; noted that fire season had started early; encouraged everyone to attend the meeting of the Community Advisory Panel for the Inglewood Oil Fields on May 23 at Kenneth Hahn State Recreation Park; announced that the Oil Drilling Ordinance was available online; reported that the date for public comment for local regulation had been extended; and she discussed a resident request regarding a proclamation for equality in the scouting community.

Carol Schwab, City Attorney, reported that the community meeting for input on the oil drilling ordinance would be held on June 6 with the last date to submit public comment on June 21, and she noted that information would be available online.

Councilmember Weissman discussed fracking bills.

Martin Cole, Assistant City Manager/City Clerk, reported that the application period for City Commissions, Committees and Boards would close on May 14, 2013 and that additional information was available on the City website or by calling the City Clerk's office.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF HERMAN SANDOVAL.

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

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Joint Public Comment – Items Not on the Agenda

Mayor Cooper invited public comment.

The following members of the audience addressed the City Council:

Jim Lissner provided information to the City Council regarding red light camera reform; he discussed quotas; the practices of Culver City; increases to tickets issued; courtesy notices; SB 1303; he asked that the City Council support legislation that notices be clarified in Spanish and other major languages; he discussed protected plates; and he asked that the City Council support AB 487.

Councilmember O'Leary expressed concern with the suggestion that Culver City Police were issuing false tickets; he noted that people were running red lights; and he discussed people who choose to ignore red light tickets.

Carlene Brown discussed the process by which Culver City had taken a position on gun legislation; letters she had written to Councilmembers; she expressed concern with the City's inconsistent policy regarding reading comments into the record; the Planning Commission decision regarding The Help Group project; upcoming positions to be filled on the Planning Commission; and consistency with policies between the City Council and Commissions.

Shannon Gaulding, Scouts for Equality, expressed concern that the Scouts discriminate against homosexuals; she discussed her desire to work from within to create change; The Pinewood Derby; and she asked the City Council to support a proposed resolution to rescind the discriminatory bylaw.

Vice Mayor Sahli-Wells requested support to agendize a discussion of the issue.

Discussion ensued between Councilmembers and staff regarding the Scout House; the anti-discrimination policy of the City; the human relations component of the Parks, Recreation and Community Services Commission; a suggestion that the issue be discussed at the Commission level; clarification that the request was that the City issue a resolution and not create policy; the timing of the issue; support for the issue;

clarification regarding the process; the legislative framework of principals; national policies; creating a process to indicate what the City Council supports so that staff can act and things don't have to go through the City Council each time; the dynamic of the resolution; effects to the relationship with the Scout House; whether the City Council wants to take a position to try to influence the national policy of the Boy Scouts; and having the Mayor send a letter vs. expressing support for the proposed proclamation.

Discussion ensued between Ms. Gaulding and the City Council regarding getting something out to the Boy Scouts' National Council prior to their vote; commentary from scouting families and corporate donors; and the passage of a resolution by West Hollywood.

Additional discussion ensued between staff and Councilmembers regarding sending a letter to the Boy Scouts urging them to make changes in their policy consistent with Culver City's existing anti-discrimination policy; support for the proposed resolution; sending the letter in time for the vote of the Boy Scouts; concern with watering down the message; and a suggestion that the policies of Culver City and of local troops in the City be discussed in the letter.

Jay Shery, Culver City Exchange Club, thanked the City Council, staff, sponsors, businesses and volunteers for their support of the Car Show.

Councilmember Clarke received verification that business at downtown restaurants had increased during the Car Show.

Cary Anderson indicated that he was waiting for information from the Police Department regarding the Car Show and would have a presentation regarding what worked and what didn't work at the Car Show along with suggestions for improvements in 2014.

John Nahhas, The Boating Coalition, asked the City Council for help protecting recreational facilities in Marina del Rey; discussed the exclusion of Culver City residents from the public process and development in the area; discussed the increase in development and decrease in recreational facilities; County officials' assertion that they do not have resources to include other areas in the process; and he asked that Culver City get involved.

Michelle Weiner, Transition Culver City, spoke as Chair of the Assembly District 54 Environmental Cabinet regarding Assembly Bills going through committee; she discussed how to express support for AB 1323 and encouraged everyone to do so; and she announced a meeting at Holman United Methodist Church on May 14.

Mayor Cooper reported that the City Council had sent letters of support for the bills.

Eleanor Osgood asked about an ordinance regarding R-1 lots and development that included neighbor courtesy notification for new developments.

John Nachbar, City Manager, indicated that he would provide information to Ms. Osgood.

Rich Waters thanked Councilmember O'Leary for his assistance with ficus trees noting that there were still infected trees in the area that needed to be addressed before more trees were lost.

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Receipt of Correspondence

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

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Joint Consent Calendar

Item JC-1

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

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR APRIL 13, 2013 - MAY 3, 2013.

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Martin Cole, Assistant City Manager/City Clerk, requested that item C-1 be held to the May 28, 2013 meeting to allow time to review changes requested by Vice Mayor Sahli-Wells.

Councilmember Clarke indicated that he would have to recuse himself from item C-5 as it is within 500 feet of his residence and he requested that additional information be provided to the public for items C-8 and C-9.

Vice Mayor Sahli-Wells reported that she would need to recuse herself on a portion of item C-3 and from item C-11 due to a conflict of interest.

Councilmember O'Leary received verification that a report would be given on appointments to outside agencies and subcommittees at the end of the meeting as stated in the minutes of April 22, 2013.

Consent Calendar

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-2, C-4, C-6, C-7, AND C-10 AS NOTED BELOW.

Item C-1

Approval of Minutes for the Regular Meetings of April 8, 2013 and April 22, 2013

This item was deferred to the meeting of May 28, 2013.

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Item C-2

Approval of a Professional Services Agreement with IDC Consulting Engineers, Inc. for Final Design Services for the Higuera Street Bridge Replacement Project, P-553, BHLS 5240(026) in the Amount Not-to-Exceed $960,700 ($859,807 for the Base Contract and $100,893 in Change Order Authority)

THAT THE CITY COUNCIL:

1) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH IDC CONSULTING, INC. FOR FINAL DESIGN SERVICES FOR THE HIGUERA

BRIDGE REPLACEMENT PROJECT, P-553 IN THE AMOUNT OF $859,807; AND,

2) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS, IF NECESSARY, FOR AN AMOUNT NOT-TO-EXCEED $100,893 (11.73% OF $859,807); 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-4
(Out of Sequence)

Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications, Inc. for a Proposed Fiber Optic Telecommunication Cable installation on the Public Rights-of-Way of National Boulevard and Helms Avenue

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH FREEDOM TELECOMMUNICATIONS, INC FOR A PROPOSED FIBER OPTIC TELECOMMUNICATION CABLE INSTALLATION ON THE PUBLIC RIGHTS-OF-WAY OF NATIONAL BOULEVARD AND HELMS AVENUE; 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-6
(Out of Sequence)

Adoption of a Resolution (1) Amending City Council Policy Statement No. 4209 Entitled "Purchasing Cards," to Update the Guidelines and Controls for the Use of City Issued Purchasing Cards and (2) Rescinding Resolution No. 2007-R071

THAT THE CITY COUNCIL ADOPT A RESOLUTION (1) AMENDING CITY

COUNCIL POLICY STATEMENT NO. 4209 ENTITLED "PURCHASING CARDS," TO UPDATE THE GUIDELINES AND CONTROLS FOR THE USE OF CITY ISSUED PURCHASING CARDS AND (2) RESCINDING RESOLUTION 2007-R071.

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Item C-7

Approval of an Agreement with Hull Brothers Roofing Company for Roof Repairs and Skylight Replacements at the Police Department, Fire Station No. 1, and Public Service Facility in an Amount Not-to-Exceed $247,379 ($224,890 for the Base Contract and $22,489 in Change Order Authority)

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH HULL BROTHERS ROOFING COMPANY IN THE AMOUNT OF $224,890.00 FOR THE ROOFING REPAIRS AT THE POLICE DEPARTMENT, FIRE STATION NO. 1 AND THE PUBLIC SERVICE FACILITY; AND,

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED $22,489.00; 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-10
(Out of Sequence)

Authorization to Release a Request for Proposal (RFP) to Outsource Audio Visual Production Services for Broadcasting City Meetings from the Mike Balkman Council Chambers

THAT THE CITY COUNCIL: AUTHORIZE THE RELEASE OF A REQUEST FOR PROPOSAL (RFP) TO OUTSOURCE AUDIO VISUAL PRODUCTION SERVICES FOR BROADCASTING CITY MEETINGS IN THE MIKE BALKMAN COUNCIL CHAMBERS.

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Item C-5
(Out of Sequence)

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for a Proposed Fiber Optic Telecommunication Cable Installation on the Public Right-of-Way of Jefferson Boulevard, Approximately 300 Feet South of Raintree Circle

Councilmember Clarke recused himself and exited the dais.

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

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE FOR A NEW FIBER OPTIC TELECOMMUNICATION LINE ON JEFFERSON BOULEVARD, APPROXIMATELY 300 FEET SOUTH OF RAINTREE CIRCLE; 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:	COOPER, O'LEARY, SAHLI-WELLS, WEISSMAN
NOES:	NONE
ABSENT:	NONE
RECUSED:	CLARKE

Councilmember Clarke returned to Council Chambers.

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Item C-11
(Out of Sequence)

Approval of an Agreement to Purchase Replacement Enterprise Storage System Equipment and Related Installation and Maintenance Services from Hewlett Packard (Oak Park, CA) Through the Authorized Reseller Govplace (Irvine, CA)

Vice Mayor Sahli-Wells recused herself and exited the dais.

MOVED BY COUNCILMEMBER WEISSMAN AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT TO PURCHASE EQUIPMENT AND RELATED MAINTENANCE AND INSTALLATION SERVICES TO REPLACE AN ENTERPRISE STORAGE AREA NETWORK (SAN) WITH GOVPLACE OF IRVINE, CA IN THE AMOUNT OF $149,323.31; AND,

2. AUTHORIZE THE CHIEF INFORMATION OFFICER TO APPROVE RENEWALS OF THE MAINTENANCE ON THE SAN AND RELATED SYSTEMS FOR THE VIRTUAL ENVIRONMENT DURING THE TERM OF SERVICE WITH THE CITY;

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE ANY 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, O'LEARY, WEISSMAN
NOES: NONE
ABSENT: NONE
RECUSED: SAHLI-WELLS

Vice Mayor Sahli-Wells returned to Council Chambers.

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Item C-3
(Out of Sequence)

(1) Approval of the Final Plans and Specifications and (2) Authorization to Publish a Notice Inviting Bids for Construction of the Linwood E. Howe Safe Routes to School Project, P-941

Carol Schwab, City Attorney, indicated that Vice Mayor Sahli-Wells wanted to recuse herself from consideration of two intersections in the item as they are close to her home and she suggested that the motion be bifurcated.

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

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE LINWOOD E.HOWE SAFE ROUTES TO SCHOOL PROJECT, P-941 WITH THE EXCEPTION OF THE INTERSECTIONS OF DUQUESNE AND LUCERNE, AND IRVING AND FARRAGUT; AND,

2. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE LINWOOD E. HOWE SAFE ROUTES TO SCHOOL

PROJECT, P-941.

Vice Mayor Sahli-Wells recused herself and exited the dais.

MOVED BY COUNCILMEMBER WESSIMAN AND SECONDED BY COUNCILMEMBER CLARKE, THAT THE CITY COUNCIL APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE LINWOOD E.HOWE SAFE ROUTES TO SCHOOL PROJECT, P-941 INCLUDING THE INTERSECTIONS OF DUQUESNE AND LUCERNE AND IRVING AND FARRAGUT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Vice Mayor Sahli-Wells returned to Council Chambers.

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Item C-8
(Out of Sequence)

(1) Approval of a Professional Services Agreement with Minagar & Associates, Inc., to Perform a Citywide Speed Zone Study in Accordance with the Requirements of Section 627 of the California Vehicle Code in an Amount Not-to-Exceed $61,867 ($56,243 for the Base Contract and $5,624 in Change Order Authority); and Approval of a Related Budget Amendment

Charles Herbertson, Pubic Works Director, clarified that the City is required by law to periodically update those studies in order to continue to use radar and he explained the process.

Councilmember Clarke received clarification that there was not a role for the public to play in the process and that California law governs the method used to establish speed limits.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1) APPROVE A PROFESSIONAL SERVICES CONTRACT WITH MINAGAR & ASSOCIATES, INC., IN THE AMOUNT OF $56,243, TO A) PERFORM A CITYWIDE SPEED ZONE STUDY INCLUDING THE REVIEW OF EXISTING CITYWIDE SPEED LIMITS, RECOMMEND CHANGES (INCREASES OR REDUCTIONS) TO SPEED LIMITS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 627 OF THE CALIFORNIA VEHICLE CODE, AND CONDUCT

ENGINEERING AND TRAFFIC SURVEYS OF STREET SEGMENTS THROUGHOUT THE CITY, AND B) TO COLLECT THREE-DAY TRAFFIC VOLUMES BY MACHINE TUBE COUNTS AT EACH STUDY SEGMENT IDENTIFIED IN THE RFP; AND,

2) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN ADDITIONAL MOUNT NOT-TO-EXCEED $5,624; AND,

3) APPROVE A BUDGET AMENDMENT APPROPRIATING $31,892 FROM FUND 417 COMMUNITY DEVELOPMENT IMPACT FEE FUND TO P-811 CITYWIDE SPEED ZONE STUDY; 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-9

Approval of Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the 2013 Residential Overlay Project, P-863, P-903

Charles Herbertson, Public Works Director, explained the pavement management system to select streets noting that input is taken from the public and from maintenance operations staff.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE 2011 RESIDENTIAL OVERLAY PROJECT, P-863, P-903; AND

2. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE 2011 RESIDENTIAL OVERLAY PROJECT, P-863, P-903.

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Order of the Agenda

No changes were made.

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Public Hearing

Item PH-1

Adoption of a Resolution 1) Establishing and Amending Various Fees and Charges for Services Provided by the City and 2) Rescinding Prior Fee Resolution No. 2012-R035

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE AFFIDAVITS OF PUBLICATION AND POSTING OF PUBLIC NOTICES.

Nick Kimball, Senior Management Analyst, provided a summary of the material of record.

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

Martin Cole, Assistant City Manager/City Clerk, indicated that correspondence received on the item had been distributed to Councilmembers and was received in the motion for receipt of correspondence.

Mayor Cooper invited public comments.

There was no response.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Councilmembers regarding the OPEB liability; oil well permit fees; the new ordinance; parkway inspection fees; rain gardens; incentives; storm water mitigation; fees for trash, organic waste, and recycling for special events; establishing a business recycling program; free bus fare for City employees; and clarification that fees for off-duty police officers are separate from the item being considered.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT A RESOLUTION:

1) ESTABLISHING AND AMENDING VARIOUS FEES AND CHARGES FOR SERVICES PROVIDED BY THE CITY; AND

2) RESCINDING PRIOR FEE RESOLUTION NO. 2012-R035.

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Joint Action Item

Item JA-1

JOINT CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/PARKING AUTHORITY AGENDA ITEM: Presentation of the City Manager's/ Executive Director's Proposed Budget for Fiscal Year 2013/2014

John Nachbar, City Manager, introduced the item and expressed appreciation to staff for being willing to accept change and work together.

Jeff Muir, Chief Financial Officer, provided a summary presentation of the budget.

Mayor Cooper invited public comment.

There was no response.

Discussion ensued between staff and Councilmembers regarding participation of residents; adding a public component to the process; the process last year; educating the public; Measure Y; preserving the existing level of service and quality of life; limited room for major change; information available online; neighborhood association meetings; the Finance Advisory Committee; using resources widely; the level of public interest; appreciation to the Chief Financial Officer for his efforts and for the clarity of the presentation; small attendance at previous efforts at public outreach; improvements to the economy; the Executive Summary; the local economy; development issues; the attractiveness of Culver City; transportation options; and positive momentum.

MOVED BY VICE MAYOR SAHLI-WELLS, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE THE PROPOSED BUDGETS AND A PRESENTATION FROM STAFF

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Action Items

Item A-1

(1) Introduction of an Ordinance Amending the Culver City Municipal Code by Adding a New Chapter 11.16 Relating to Single-Use Carryout Bags and (2) Adoption of a Resolution Related to the California Environmental Quality Act (CEQA) Determination Related Thereto

Helen Kerstein, Management Analyst, provided a summary of the material of record noting small modifications to the Los Angeles ordinance proposed by staff.

Mayor Cooper explained procedures for public speaking and invited public participation.

The following members of the audience addressed the City Council:

Ed Tarvyd, Professor at Santa Monica College, asserted that plastic bags were cosmetic pollution; clarified that they were not part of the food chain of any animal group; discussed accidental ingestion by animals; noted that the bags that end up in Culver City originate in other parts of Los Angeles County via Ballona Creek; indicated that plastic bags are relatively sterile whereas reusable bags are full of bacteria; and he expressed concern with the spread of disease.

Ken Ruben presented a reusable bag and a plastic bag that he uses; he discussed using public transportation; the strength of bags; the water repellant nature of plastic bags; he asked that the City Council not rush into the ban; he wanted to see medical information about reusable bags; and he expressed opposition to the ban.

Jim Lamm, Ballona Creek Renaissance, discussed Ballona Creek; their mission; Creek clean ups; plastic bags in the Creek; other organizations that they work with; the relationship with other counties enacting bans; he encouraged people to look into medical research; he discussed Los Angeles County Health; washing reusable bags; reusing bread bags and cereal box liners; reducing maintenance costs to the City; and he expressed support for the plastic bag ban.

Sarah Sheehy, California Grocers Association, indicated that the Association was comfortable with this type of ordinance; she discussed other cities with similar regulations; the ban/charge model as an effective tool to retrain people to bring reusable bags; studies on bag safety; product bag exemptions; keeping items separated in reusable bags; concern with requiring retailers to post signs and enforcement and penalties; and she observed that Culver City and Los Angeles were on track for approval at the same time.

Discussion ensued between staff, Councilmembers and Ms. Sheehy regarding signage; posting a message on paper bags; concern with the penalties rather than the signage requirement; the written warning; and penalties to ensure compliance.

Michelle Weiner, Transition Culver City, thanked the City Council for going about the process in a cost effective way; she discussed modeling after the County; avoiding an expensive EIR process; other transitions in the City; the ban on smoking in public; bringing bags to department stores; and changing habits.

Councilmember Weissman noted that signage was provided to restaurants when the smoking ordinance was adopted.

Goran Eriksson discussed the goals of the plastic bag ban noting that the ban would not solve any of the problems; he stated that the issue was not an oil issue; he discussed old data from the Environmental Impact study; a study done by Los Angeles County one year after the ban was enacted; usage of produce bags; a study conducted in Ireland after their ban; clarification that reusable bags are not recyclable; increases to green house gases; clarification that 2% of the plastic in the ocean is from reusable bags; and concerns with e-coli.

Craig Cadwallader, Surfrider Foundation, expressed support for the ordinance; asserted that it would help the environment; discussed the restaurant exclusion from the ban; the San Francisco ordinance; lawsuits; fast food carryout; biodegradability of the bags; urban tumbleweeds; NPDES standards; quality of life; reusable bags and health issues; and he expressed support for adopting the ordinance.

Kathryn Benz, Heal the Bay, expressed support for the ordinance; appreciated the opportunity to provide comments on the addendum to the County EIR; discussed the effectiveness of the ordinance; bag replacement assumptions; recent data released by the County; reductions to the use of paper bags;

and she asked that the data be considered in the addendum before it is finalized.

Juli Schulz, Surfrider Foundation LA, reported on recently released data regarding food borne illnesses; she expressed support for the ordinance; discussed recent beach clean ups; and plastic bag consumption by dolphins and fish.

Mary McNeill, Surfrider Foundation LA, expressed support for the ordinance for environmental reasons.

Elena Sweda Neff expressed concern that the ban would not solve the problem and that reusable bags would become the new problem; she discussed biodegradable dog poop bags; she wanted a commitment to do better; she discussed education; proper use and disposal of all trash; issues with the downtown area; she challenged the City to set a new standard and consider long-term consequences; she discussed environmental benefit vs. environmental image; and the goal of being citizens of environmental sustainability.

Rich Waters reported on a volunteer group that goes out in the ocean to collect plastic trash; he noted that plastic bags break down to a gelatinous mess that affects small creatures in the food chain; and he suggested posting banners to remind people to bring their reusable bags and change their habits.

Stephen Murray expressed approval for the ban and the CGA modifications; he discussed the thoughtless use and disposal of single use plastic bags; the green image of the City; shopping close to home; and he was looking forward to an upcoming polystyrene ban.

Eleanor Osgood expressed pride in the City Council; she felt that take out and fast food restaurants should be included in the ban; and she thanked the City Council for all of their work on environmental issues.

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

James Alamillo
Jim Cragg, Green Vets LA

Discussion ensued between staff and Councilmembers regarding clarification that written comments that are turned in at the meeting are read, but those submitted via email before the meeting are kept as part of the record; a reminder that the policy is noted on the first page of the agenda; focusing on those people who take the time to come down to the City Council meeting; policies of other cities, the state of California, and other countries; studies funded by the plastic bag industry; the leadership of Los Angeles County; lawsuits; a future styrofoam ban; Typhoid Mary; the magnitude of the problem; the confusing nature of the issue; the 2% nature of the problem; sending a message; acknowledgement that the change won't solve the problem; creating awareness; practices of Sister City Kaizuka, Japan; flexibility of the bag fee; clarification that the bag fee is to cover education and costs to the store; reporting requirements; the enforcement process; restaurants; Manhattan Beach; consistency with the Los Angeles County ordinance; polyurethane; reducing the plastic bag fee after initial costs are expended; changes to addendum language; the study on whether paper bag use increased after the ban in certain areas; potential health issues; addressing concern with putting Culver City businesses at a disadvantage; the issue of plastic pollution; and taking steps in the right direction.

Councilmember Clarke inquired about the language in the proposed Ordinance which would only allow the City Council to increase the per paper bag fee(and not lower it).

{NOTE FROM THE CITY CLERK: At the City Council meeting of May 28, 2013, the City Council adopted the Ordinance with clarified language that would allow the City Council to change the per paper bag fee to a level the City Council deemed appropriate so long as the fee met the minimum level contained in the Ordinance ($0.10 per bag minimum).}

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

1. INTRODUCE AN ORDINANCE AMENDING THE CULVER CITY MUNICIPAL CODE ADDING A NEW CHAPTER 11.16 RELATING TO SINGLE-USE CARRYOUT BAGS; AND,

2. ADOPT A RESOLUTION CERTIFYING AN ADDENDUM TO THE LOS ANGELES COUNTY FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS.

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Item A-2

Approval of a Professional Services Agreement with CTC Technology & Energy (Kensington, MD) for a Fiber Network Feasibility Study in an Amount Not-to-Exceed $71,500

Mayor Cooper invited public input.

There was no response.

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

1.APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CTC TECHNOLOGY & ENERGY FOR A FIBER NETWORK FEASIBILITY STUDY IN THE AMOUNT OF $65,000; AND,

2. AUTHORIZE THE CITY MANAGER TO APPROVE CONTRACT CHANGE ORDERS FOR ADDITIONAL SERVICES IN AN AMOUNT NOT-TO-EXCEED TEN PERCENT (10%) OF THE CONTRACT IF DEEMED APPROPRIATE ($6,500 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $71,500); AND,

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

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

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Item A-3

(1) Consideration of the Amount of In-Kind Assistance for and Possible City Sponsorship of IndieCade: International Festival of Independent Games; and (2) Approval of a Related License Agreement

Jeremy Green, Management Analyst, provided a summary of the material of record.

Mayor Cooper invited public input.

The following members of the audience addressed the City Council:

Seth Horowitz, The Culver Hotel, expressed support for the event.

Stephanie Barish, IndieCade, responded to inquiry regarding internet access; issues last year at Veterans Auditorium; practices in previous years; alternatives; and concern with being able to grow without internet access.

Discussion ensued between Ms. Barish, staff and Councilmembers regarding a recommendation to add wifi to Veterans Auditorium in the budget; the Fire Station issue; the ability to provide internet access at Veterans Auditorium; attempts to get a sponsorship from Time Warner; whether there are other entities that want to book Veterans Auditorium at that time; potential loss of revenue by the City; attempts to hold the awards event in Culver City rather than Santa Monica; requirements for the awards event; The Culver Studios; fee waiver requests; clarification that the entity running the festival is not a 501c3; whether the City has ever waived fees for a for-profit entity aside from IndieCade; participation by the City in previous years; concern with fee waivers for Veterans Auditorium and lost revenue; use of Council Chambers; the banner permit fee waiver request; clarification that the event is growing; concern that the event is asking for additional support; money saved if the City is able to provide wifi access; storage; the cash sponsorship in previous years; appreciation to staff for their assistance with the event; the amount of assistance and fee waivers; the wifi charge last year; agreement to match last year's level of support; the overall budget message; wifi in the downtown area; clarification that Thursday is the business networking day for the event; the banner permit waiver fee; the additional space request; clarification that the rooms at Veterans Auditorium were approved administratively last year as there were no bookings at that time; hours of use; a request that the awards show be held in Culver City; work done by IndieCade to try to find a suitable location for the awards show; clarification that Santa Monica is "comping" the room for the awards show; monetary sponsors this year; clarification that the event is paid for through sponsorship; and the presence of Sony last year.

Additional discussion ensued between Councilmembers and Ms. Barish regarding the use of security guards and Culver City Police last year; the refundable security deposit; the requirement for a police presence if alcohol is served; City Council discretion to require a police officer or a security guard; minimum number of hours the police officer gets paid; and liability issues.

Further discussion ensued regarding crafting a motion with City Council consensus that the City waive the costs of the rooms at Veterans Auditorium; waive the banner permit; make a good faith effort to expedite internet installation at Veterans Memorial Complex; and not waive the police officer requirement.

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

1. DETERMINE WHAT LEVEL OF IN-KIND FINANCIAL ASSISTANCE TO PROVIDE TO CREATIVE MEDIA COLLABORATIVE, INC. RELATED TO THE 2013 INDIECADE EVENT IN AN AMOUNT OF $13,286; AND,

2. (IN THE CASE SUCH IN-KIND FINANCIAL ASSISTANCE IS DETERMINED TO BE AT LEAST $1,000), CONSIDER DESIGNATING THE 2013 INDIECADE EVENT AS A CITY SPONSORED EVENT; AND,

3. APPROVE A LICENSE AGREEMENT BETWEEN THE CITY AND CREATIVE MEDIA COLLABORATIVE, INC. FOR THE USE OF CITY PUBLIC RIGHTS-OF-WAY, PROPERTY, AND EQUIPMENT AS PART OF THE 2013 INDIECADE EVENT; 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. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, O'LEARY, SAHLI-WELLS
NOES: WEISSMAN

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Item A-4

Consideration of City Sponsorship for the First Annual TEDx Event in Culver City

Todd Tipton, Economic Development Administrator, provided a summary of the material of record.

Mayor Cooper invited public participation.

The following member of the audience addressed the City Council:

Seth Horowitz, The Culver Hotel, expressed support for the item.

Discussion between staff and Councilmembers ensued regarding whether all of the dates are used; impacts to other events at the Theatre; and the additional 100 parking spaces at City Hall.

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

1. APPROVE (A) A WAIVER OF PARKING SPACE RENTAL FEES FOR EVENT PARKING AT CITY HALL IN AN AMOUNT OF AT LEAST $1,000 (GIVEN A $6/SPACE/DAY RATE PREVIOUSLY APPLIED FOR A SIMILAR RENTAL), AND/OR (B) VALUE THE COMMUNITY ACCESS DAY AT THE "NORMAL" RENTAL RATE OF KIRK DOUGLAS THEATER ($2,000) AS THE CITY'S IN-KIND CONTRIBUTION TO THE EVENT; AND,

2. DESIGNATE THE TEDX CULVER CITY EVENT A CITY SPONSORED EVENT AND THUS ALLOWING THE ORGANIZATION TO BE ELIGIBLE TO UTILIZE THE KIRK DOUGLAS THEATRE ON A COMMUNITY ACCESS DAY AS PROVIDED IN THE DEVELOPMENT AND DISPOSITION AGREEMENT BETWEEN THE CITY AND THE CENTER THEATRE GROUP; 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 A-5

(1) Adoption of Resolutions and/or Motions Appointing City Council Members/Staff Members to various Outside Agency Boards, City Council Subcommittees and Other Related Bodies; and (2) Discussion and Potential Approval of a New Purpose and Scope for the Ad-Hoc Sustainability Subcommittee

A discussion ensued between staff and the City Council regarding legal requirements and alternates.

At this time the following motions were made:

Item 1

Adopt Resolution No. 2013-R028

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2013-R028 APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO THE LOS ANGELES COUNTY CITY SELECTION COMMITTEE AND RESCINDING RESOLUTION 2012-R028.

[Mayor Cooper was appointed Member and Councilmember O'Leary was appointed Alternate Member.]

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Item 2

Adopt Resolution No. 2013-R033

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2013-R033 APPOINTING A MEMBER AND AN ALTENATE MEMBER TO THE LOS ANGELES COUNTY DIVISON OF THE LEAGUE OF CALIFORNIA CITIES AND RESCINDING RESOLUTION 2012-R033.

[Mayor Cooper was appointed Member and Councilmember O'Leary was appointed Alternate Member.]

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Item 3

Adopt Resolution No. 2013-R031

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2013-R031 APPOINTING A MEMBER AND AN ALTENATE MEMBER TO THE LOS ANGELES COUNTY SANITATION DISTRICT NO. 5 AND RESCINDING RESOLUTION 2012-R031.

[Mayor Cooper was appointed Member and Vice Mayor Sahli-Wells was appointed Alternate Member.]

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Item 4

Adopt Resolution 2013-R032

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER

CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2013-R032 APPOINTING A MEMBER AND AN ALTENATE MEMBER TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) AND RESCINDING RESOLUTION 2012-R032.

[Mayor Cooper was appointed Member and Councilmember O'Leary was appointed Alternate Member.]

Vice Mayor Sahli-Wells expressed interest in attending the meetings as a non-voting member.

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Item 5

Appointment to the Oversight Board to the Successor Agency of the Redevelopment Agency

No action was taken on this item. The prior appointments of Councilmember Weissman and Mr. Kimball remain in full force and effect.

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Item 6

Disaster Management "Area A" Executive Board (New for 2013)

The City Council appointed John Nachbar, City Manager, to serve on the Disaster Management "Area A" Executive Board.

Councilmember Clarke received clarification that other committee appointments would be heard at a later time.

Discussion ensued between staff and Councilmembers regarding the purpose and scope of the ad hoc Sustainability Subcommittee; the sustainability plan for Culver City; the many different issues handled over the year; a suggestion to make the Sustainability ad hoc subcommittee into a standing subcommittee of the City Council; the broader scope; recent direction from the City Council; and membership.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE A

NEW SCOPE/PURPOSE AND DETERMINE THAT THE SUSTAINABILITY SUBCOMMITTEE BE A STANDING SUBCOMMITTEE OF THE CITY COUNCIL.

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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

Items from Vice Mayor Sahli-Wells

- Reported that the Sustainability Subcommittee recommended that the City Council consider the multi-family housing smoking issue and she asked that staff look at the policies of other cites

Carol Schwab, City Attorney, indicated that the item would be coming forward toward the end of July.

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Adjournment

There being no further business, at 12:19 a.m. on Tuesday, May 14, 2013, the City Council adjourned its meeting in memory of Herman Sandoval and Carol Weiner, to a meeting on Tuesday, May 28, 2013 at 7:00 p.m.

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Martin R. Cole

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

JEFFREY COOPER
MAYOR of the City of Culver City, California