REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

September 9, 2013
5:30 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 5:30 p.m., the City Council recessed to Closed Session to discuss the following item:

CS-1 Public Employee Performance Evaluation
Title: City Manager
Pursuant to Government Code Section 54957

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Reconvene

Mayor Cooper reconvened the City Council meeting at 7:06 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.

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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 Nick Kimball.

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Presentation

Item P-1

Presentation of a Commendation to the Westside Baseball Westchester Babe Ruth 14U All-Star Team - 2013 Babe Ruth World Series Champions

Councilmember Clarke presented the commendation.

A representative from the Westside Baseball Westchester Babe Ruth 14U All-Star Team thanked staff and the City Council for the honor and noted their accomplishments.

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Community Announcements By City Council Members/Information Items From Staff

Vice Mayor Sahli-Wells announced a Gun Safety Teach In sponsored by the Los Angeles League of Women Voters on September 18 at Helms Bakery, and the Annual Coastal Clean Up Day on September 21 at Ballona Creek.

Councilmember O'Leary clarified remarks from the previous meeting noting that his mother had given up smoking in January 2012.

Martin Cole, Assistant City Manager/City Clerk, reported that Time Warner Cable was experiencing technical difficulties and while the live broadcast would not function properly, the rebroadcast would be complete.

Dave White, Assistant Fire Chief, reported a 9/11 remembrance ceremony in the City Hall Courtyard on Wednesday at 6:59 a.m., and he reminded everyone that September is National Disaster Preparedness month.

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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:

Gary Robinson discussed rhetoric and the scientific measurement of sound on Freshman Drive; the suspension of bus service at West Los Angeles College; and he suggested that the City Council direct the Transportation Department to conduct their own sound studies to measure noise levels.

Linda Firth expressed concern with noise generated by the MTA early in the morning; issues with crows in her area; and traffic on Washington Boulevard.

Seth Horowitz, The Culver Hotel, discussed sponsorship, the use of banners, and Town Plaza; he requested that the City reevaluate the current system; and he discussed economic development, non-profits, and the need for clear direction from the City.

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Receipt of Correspondence

Martin Cole, Assistant City Manager/City Clerk, indicated that all correspondence received as of 4:00 p.m. had been distributed to Councilmembers.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER WEISSMAN 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 CLARKE, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR AUGUST 17, 2013 - AUGUST 30, 2013.

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Consent Calendar

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 AND C-4.

Item C-1

Approval of a Professional Services Agreement with Motorola for Monitoring and Repair of the City's Two-way Radio System Infrastructure and Dispatch Systems in an Amount Not-to-Exceed $88,258.00

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 TWO YEAR PERIOD AUGUST 1, 2013 - JULY 31, 2015, IN AN AMOUNT NOT TO EXCEED $88,258.00 WITH AN ANNUAL PAYMENT OF $44,129.00; 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-4
(Out of Sequence)

Approval of a Professional Services Agreement with Mayer Hoffman McCann P.C. for Transient Occupancy Tax Audit Services for an Amount Not-to-Exceed $32,400

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MAYER HOFFMAN MCCANN P.C. TO PROVIDE TRANSIENT OCCUPANCY TAX AUDIT SERVICES IN AN AMOUNT NOT-TO-EXCEED $32,400; AND

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

3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

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Item C-3
(Out of Sequence)

Approval of a Purchase Order with 3M for the Purchase of Automated License Plate Readers in an Amount Not-to-Exceed $38,669

Mayor Cooper invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson provided presentation on Automated License Plate Readers (ALPRs); questioned their track record in the City, what vehicles they are on and what they were used for; discussed integration with parking enforcement solutions; and concern with costs.

Discussion ensued between Councilmembers regarding clarification on the operation of ALPRs; reports on their effectiveness; clarification regarding grant funding; the one-year warranty; maintenance costs; reliability of the first unit; provisions of the grant; and usage.

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

1. APPROVE A PURCHASE ORDER WITH 3M TO PURCHASE TWO ALPR UNITS IN AN AMOUNT NOT-TO-EXCEED $38,669; AND,

2. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

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

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Item C-2
(Out of Sequence)

Approval of a Professional Services Agreement with NBS

Government Finance Group, dba NBS to Prepare a User Fee Study and Cost Allocation Plan Update in an Amount Not-to-Exceed $53,675.00 Plus $10,255 for Each of the Subsequent Four Years for Updates to the Plan (for an Aggregate Total Not-to-Exceed $94,695.00)

Discussion ensued between staff and Councilmembers regarding a suggestion that consideration of variance fees be included with the overall cost allocation update; cost recovery levels; the fee study; the current structure; the timeline; a request to defer consideration of the item related to a variance fee until the user fee study is concluded; costs associated with the fees; evaluation of processes; improvements to efficiencies and decreases to costs; and departmental recommendations to the City Manager.

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

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP, DBA NBS TO CONDUCT A COMPREHENSIVE USER FEE STUDY AND PREPARE A COST ALLOCATION PLAN FOR AN AMOUNT NOT-TO-EXCEED $53,675.00 PLUS $10,255 FOR EACH OF THE SUBSEQUENT FOUR YEARS FOR UPDATES TO THE PLAN (FOR AN AGGREGATE TOTAL NOT-TO-EXCEED $94,695.00); 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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Order of the Agenda

Mayor Cooper requested that item A-4 be moved forward on the agenda.

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Joint Action Item

Item JA-1

JOINT CITY COUNCIL AND SUCCESSOR AGENCY BOARD AGENDA ITEM:

Consideration of Sponsorship of the "Crush Cancer" Charitable Fundraising Event Produced by DogTown CrossFit in Partnership with Stand Up To Cancer

Joe Susca, Project Manager, provided a summary of the material of record.

Mayor Cooper invited public participation.

There were no cards received and no speakers came forward.

Discussion ensued between Councilmembers and staff regarding concern with the multiple requests for City sponsorship and the piecemeal nature of the process; clarification regarding the request for the rental fee waiver; in-kind services; requirements for City sponsorship; the dissolution of the Redevelopment Agency; the Successor Agency; risk to the General Fund; the Recognized Obligation Payment Schedule; the need to review the banner sponsorship policy; clarification that the event would take place whether the waiver is granted or not; clarification that the organization would be responsible for fabrication and installation of the banners; Indiecade; streetlight banners in the downtown area; the desire of organizations to publicize their events; increasing participation by the general public; the EarthFest banners; clarification that in the past fees have not been waived for this organization; concern that organizations suffer because of a disagreement in City policy; a request for an agendized discussion of the policy; and the importance of being able to waive a fee and provide staff time to support events.

Mayor Cooper received clarification from a Dogtown Crossfit representative on the amount of money raised; the number of attendees in past years; and their work to drive traffic to downtown businesses.

Councilmember Clarke moved to approve the request for sponsorship without the waiver of the rental fee.

Additional discussion ensued between Councilmembers and staff regarding the amount of staff time already spent on the event; clarification on which fees would be paid by the event; procedures; and the in-kind fee waiver.

Councilmember Clarke moved to approve the staff proposal with the exclusion of waiving the $500 fee to rent Parcel B.

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

1. DETERMINE TO PROVIDE IN-KIND FINANCIAL ASSISTANCE TO DOGTOWN CROSSFIT FOR ITS CRUSH CANCER EVENT ON SATURDAY, OCTOBER 12, 2013 AT THE 9300 CULVER BOULEVARD PROPERTY IN THE FORM OF IN-KIND STAFF TIME AND THAT SUCH IN-KIND STAFF TIME EXCEEDED $1,000; AND

2. DESIGNATINE THE CRUSH CANCER EVENT AS A CITY-SPONSORED EVENT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Council Member Clarke inquired if there was City Council consensus to agendize a future discussion of the City's event sponsorship policy as requested by Vice Mayor Sahli-Wells. Such consensus did exist.

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Action Items

Item A-4

Discussion of Potential Changes to the Existing Planning Division Fee Structure for Variance Applications and Direction to City Staff

Mayor Cooper invited public input.

The following member of the audience addressed the City Council:

Dave Baker reported several misrepresentations in the agenda paperwork and expressed concern with the length of the process.

Mayor Cooper clarified that the fee structure itself was being examined, not just his specific case and he was encouraged to participate in the process.

Sol Blumenfeld, Community Development Director, noted the importance of not straying from the agenda item and indicated that he would speak to Mr. Baker about his property.

Discussion ensued between staff and Councilmembers regarding clarification that the City Council had requested a discussion of Mr. Baker's case; effects of the delay to the specific case; Mr. Baker's request to examine the fees; the proper venue for considering the variance application; fees vs. the merits of the application; the City Council decision in 2010 to increase building permit valuation fees for large projects; balancing fees; changes to effect building permit fees; the overall fee schedule; variance applications; fees as a deterrent; the application of fees; and cost recovery.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL DIRECT STAFF TO INCORPORATE THE DISCUSSION OF VARIANCE FEES INTO THE FEE STUDY AUTHORIZED EARLIER THIS EVENING.

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Item A-1

Renaming Bush Way in Honor of Albert and Ursula Vera

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record.

Mayor Cooper invited public participation.

The following member of the audience addressed the City Council:

Stephen Hadland, Culver City Observer, read the editorial of May 9, 2013 entitled Honoring Albert and Ursula Vera.

Councilmember O'Leary read a comment submitted by Albert Vera, son of Albert and Ursula Vera.

Discussion ensued between Councilmembers regarding their experiences with the Veras; support for the naming; the fact that there are no street addresses on Bush Way; the proposal to name the Senior Center; and ensuring that the family is comfortable.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE THE PROPOSAL TO RENAME BUSH WAY IN HONOR OF ALBERT AND URSULA VERA AND DIRECTED THE CITY MANAGER TO PROCEED WITH THE RENAMING.

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Item A-2

Introduction of an Ordinance Amending Chapter 9.04 of Title 9 of the Culver City Municipal Code, Entitled "Nuisances," to Modify Property Maintenance Standards and to Update the Procedures for Administrative Due Process Abatement of Public Nuisances; and, Amending Chapter 1.01 of Title 1 to Relocate the Definition of the Composition of the Municipal Code Appeals Committee from Chapter 9.04; and Adding Chapter 9.13 Establishing Regulations for the Maintenance and Security of Vacant and/or Undeveloped Properties

Sharon Guidry, Enforcement Service Manager, provided a summary of the material of record.

Mayor Cooper invited public input.

No cards were received and no speakers came forward.

Discussion ensued between staff and Councilmembers regarding a letter received from Freeport McMoRan; the old ordinance; previous controversy; water conservation; drought tolerant landscaping; the neutral hearing officer; vacant property; what constitutes a nuisance; clarification the City would not seek out problems; enforcement; criteria for when something becomes a nuisance; existing County regulations; storage of combustible materials; the health and fire codes; accessibility of information; resolution processes; concern with general language; addressing infestations and hives; including language to allow issues and concerns of the community to be addressed; the requirement for leaf blower permits; notification procedures for nuisances; service requirements; finding the responsible party; hours of construction; amendments; proof of receipt of notification; instances where the City is intending to cause the abatement themselves; the impetus for staff to do the abatements; concern with causing delays to abatement; the hearing officers; types of violations; ability to comply; the appeal component; voluntary compliance; seasonal issues; the time frame for compliance; due process; eminent hazards; degrading conditions; what conditions constitute nuisances; if the City has to address abatement procedures; due process; clarification that costs assessed are actual abatement costs; language regarding daily violations; administrative abatements; and standardizing hearing requests.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING CHAPTER 9.04 OF TITLE 9 OF THE CULVER CITY MUNICIPAL CODE, ENTITLED "NUISANCES," TO MODIFY PROPERTY MAINTENANCE STANDARDS AND TO UPDATE THE PROCEDURES FOR ADMINISTRATIVE DUE PROCESS ABATEMENT OF PUBLIC NUISANCES; AND, AMENDING CHAPTER 1.01 OF TITLE 1 TO RELOCATE THE DEFINITION OF THE COMPOSITION OF THE MUNICIPAL CODE APPEALS COMMITTEE FROM CHAPTER 9.04; AND ADDING CHAPTER 9.13 ESTABLISHING REGULATIONS FOR THE MAINTENANCE AND SECURITY OF VACANT AND/OR UNDEVELOPED PROPERTIES.

Carol Schwab, City Attorney, received clarification that the motion included the amendments to number of days contained in the draft Ordinance as raised during the discussion.

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Item A-3

Discussion Regarding Upcoming Confluence of Major Construction Activity in the Washington-National TOD District and a Potential Culver City Municipal Code Amendment to Allow Extended Construction Hours under Certain Circumstances to Preserve the Public Health, Safety and General Welfare by Mitigating Related Impacts

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

Discussion ensued between staff and Councilmembers regarding discretion; where the code amendment would apply; duration of the extension; and instances where there is extensive construction activity in one area.

Mayor Cooper invited public participation.

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

Linda Firth

Discussion ensued between staff and Councilmembers regarding public notification; impacts of the Metro project; traffic on East Washington; feedback from residents and businesses in that part of town; train noise; concern that the action was initiated by the property owners; staff determination of the hours rather than the developer's opinion; a suggestion to create a subcommittee to do outreach to the neighborhood; concern with the lack of response; revisions to the proposed amendment to address concerns raised; concrete pours; confluence of construction; granting the extension of construction hours for the public interest; granting a variance for the specific project vs. a blanket change to the ordinance; reserving decision making authority to the City Council on a case by case basis; appeal of the determination; requiring that certain conditions be met to qualify; the Tilden Terrace project; the time sensitive nature of the issues; mandatory findings; expediting the construction process; the amount of time gained by granting the variance; public and emergency access; addressing the immediate needs of the contractor; benefits to having a shorter construction period; impacts to the neighborhood of multiple construction projects; ensuring that the construction crews are respectful and responsive; utility shut offs; the importance of communication with the developer; responsibility for the costs of the public notice; minimization of noise during the extended hours; life/safety issues; improved efficiency; clarification that the change is for the concrete pour rather than for the duration of the project; traffic implications on Washington Boulevard; the need for the developer to do outreach along Wesley Avenue; availability of the on-site foreman; the right to close lanes of traffic; coordination with Public Works; tying the extension of hours with shortening the length of the project; the Municipal Code vs. the Building Code; clarification that the work is occurring on private property; jurisdiction; clarification that the decision would be to benefit the public rather than the developer; the importance of having the developer and contractor present for the discussion; the construction schedule; a request for direction as to outreach, timing, and authority; defining the benefit in concrete terms; showing that without the ability to do construction in the evening conditions would be created that would otherwise not be able to be mitigated; implementing time constraints for the extended hours; the 9900 Culver project; concern with effects to the adjacent neighbors; lessening the disruption of the right of way; the judgment of City staff; the ability to revoke the extended hours provision if the expected benefits are not delivered; the authority to grant the extension under specific parameters; allowing for the completion of a phase; inserting a 30 day administrative review period; allowing predictability for the developer and control for the City; the process; City Council review vs. staff review; addressing resident concerns; a request that the item return on September 23; a suggestion that authority lay with staff; the role of the City Council; and public outreach independent of the City Council.

It was determined that in the case this item needed to return to the City Council in the future, public notice would be provided.

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Public Comment - Items Not on the Agenda

Mayor Cooper invited public comment.

There was no response.

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Items from the City Council

Martin Cole, Assistant City Manager/City Clerk, discussed the schedule of upcoming meetings.

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Adjournment

There being no further business, at 10:34 p.m., the City Council adjourned its meeting to a joint meeting with the Planning Commission on Monday, September 16, 2013 at 7:00 p.m.

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

JEFFREY COOPER
MAYOR of Culver City, California