

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

July 11, 2011
5:30 p.m.

Call to Order & Roll Call

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

Present: Micheál O'Leary, Mayor
D. Scott Malsin, Vice Mayor
Christopher Armenta, Councilmember
Jeffrey Cooper, Councilmember
Andrew Weissman, Councilmember

ooo

Closed Session

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

CS-1 Conference with Real Property Negotiators
Re: Metro Right-of-Way (adjacent to Exposition Boulevard)
Agency Negotiator: John Nachbar, City Manager/Executive
Director Sol Blumenfeld, Community Development
Director/Assistant Executive Director, Todd Tipton, Deputy
Community Development Director/Redevelopment Administrator and
Murray Kane, Agency General Counsel
Other Parties Negotiators: Rick Thorpe, Chief Executive
Officer, Exposition Light Rail Construction Authority
Under Negotiation: Both Price and Terms of Payment or Both,
including use restrictions, development obligations and other
monetary considerations
Pursuant to Government Code Section 54956.8

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

July 11, 2011

Closed Session
(continued)

CS-3 Conference with Legal Counsel - Existing Litigation
Re: Donald Sipple v. City of Alameda et al.
Case No. BC462470
Pursuant to Government Code Section 54956.9(a)

CS-4 Conference with Legal Counsel - Existing Litigation
Re: Community Health Councils, Inc., City of Culver City, et al., v. County of Los Angeles
Case No. BS118018 (Re County Community Standards District for Oil Drilling Operations)
Pursuant to Government Code Section 54956.9(a)

CS-5 Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - (1 item)
Pursuant to Government Code Section 54956.9(b)(1)

o0o

Recess

The City Council recessed to Closed Session at 5:30 p.m.

o0o

Reconvene

The City Council reconvened its meeting at 7:00 p.m. with all Councilmembers present.

o0o

July 11, 2011

Closed Session Report

Mayor O'Leary reported that the City Council had authorized the settlement of the proposed PXP lawsuit and thanked the public for their patience with the process.

Councilmember Weissman reported that after three years of litigation over the regulation of drilling in the Baldwin Hills area, the City was successful in reaching a settlement resulting in significant new protections for the community and environment. He read a joint statement regarding settlement of the litigations from the County of Los Angeles, PXP, Culver City and other community and environmental groups and noted that the petitioners were being reimbursed for attorney fees involved, adding that the City was committed to ensuring that terms of the agreement were adhered to and strictly enforced. He noted that the lawsuit challenged the validity of the underlying EIR; he felt the additional mitigations would provide meaningful monitoring and protection for the community; and he thanked staff and the City Council for their efforts.

Councilmember Malsin acknowledged former Councilmember Alan Corlin for his efforts on this item.

o0o

Invocation/Pledge of Allegiance

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

o0o

July 11, 2011

Joint Item

Item J-1
(out of sequence)

(1) City Council Introduction of an Ordinance Opting-in to an Alternative Redevelopment Program, (2) Agency Board Approval of a Resolution Reducing the Fiscal Year 2011/2012 Affordable Housing Allocation, and (3) City Council and Agency Board Approval of an Agreement between the City of Culver City and the Culver City Redevelopment Agency Providing Funding for the Required Payments.

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

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Los Angeles County Supervisor Mark Ridley Thomas acknowledged staff and the City Council for their efforts on the PXP lawsuit.

Discussion ensued between Supervisor Ridley Thomas and the City Council regarding the difficulty of the decision to sue the County; improvements for the residents; motivation to ensure that an agreement would protect the community; and efforts of the supervisor.

Robert Dwelle, Habitat for Humanity, expressed support for efforts of the City to protect the Redevelopment Agency and he discussed the Globe Avenue project.

Booker Pearson, Upward Bound Board Member, expressed support for the staff recommendation and discussed the importance of providing homes for children.

July 11, 2011

Item J-1
(continued)

Discussion ensued between the City Council and staff regarding AB26; the ability of the Redevelopment Agency to take future action; the elimination provision; risks of not opting in; strong City Council support of redevelopment; preserving the reservation of rights; potential litigation; the feeling that the payment is necessary to continue the work of the Redevelopment Agency; effects to schools; transferring the obligation from the state to the City; the flow of funding; changes tied to balancing the state budget, not to funding schools; clarification that schools will not lose any funding; the California state budget; economic impacts of the Redevelopment Agency's work; economic benefits to the City and the state; the amount of money brought to the School District by the Redevelopment Agency annually; and clarification that the City Council is not waiving any rights, and any payments made pursuant to the ordinance would be under protest.

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

1. INTRODUCE ORDINANCE NO. 2011-008 WHICH AUTHORIZES THE CITY TO (A) PARTICIPATE IN THE "ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM" AND (B) MAKE THE \$12.1 MILLION "VOLUNTARY" OPT-IN PAYMENT; AND,
2. APPROVE A REMITTANCE AGREEMENT BETWEEN THE CITY AND THE AGENCY TO ESTABLISH AGENCY FUNDING OF THE "VOLUNTARY" OPT-IN PAYMENT BY THE CITY; 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.

ooo

July 11, 2011

Presentations

Item P-1

A Presentation to the City Council from Culver City Sister City, Inc. Related to an Upcoming Trip to Culver City Sister City Iksan City, South Korea.

Barbara Honig, President of Culver City Sister City Committee, introduced the Chair of the Iksan Committee.

Barbara Reyes, Chair of the Iksan Committee, discussed the upcoming visit to South Korea and displayed the gift from Culver City and the Sister City Committee to the Mayor of Iksan City.

o0o

Community Announcements by City Council Members/Information Items from Staff.

Mayor O'Leary announced a performance of We Tell Stories on July 13, 2011 at the Culver City Julian Dixon Library; reggae music on July 14, 2011 as part of the 17th Annual Culver City Music Festival in the City Hall Courtyard on Thursday evenings from July 7 - August 25, 2011 and presented by the Culver City Redevelopment Agency; and performances by the Culver City Public Theater on Saturdays and Sundays from July 16 - 31, 2011 at Carlson Park.

o0o

Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Karen Coyle announced the Culver City Historical Society Picnic on July 20, 2011; reported that Historical Site 13 had been chosen; and she encouraged everyone to visit the Ark at Veteran's Auditorium on July 16, 2011.

July 11, 2011

Public Comment
(continued)

David Voncannon reported on traffic congestion on Tilden Avenue in conjunction with the Tilden Terrace Projects; he discussed actions approved by the City Council; he noted successful changes to the street sweeping schedule; and he thanked Gabe Garcia, Engineering Department for his efforts.

Scott Wells, Operation Boot Camp, requested a six week permit to operate in the City.

Discussion ensued between the City Council, staff and Mr. Wells regarding a current City program that would compete with the Operation Boot Camp program; commercial enterprises in City parks; revenue splits; independent contractor agreement programs; exploring other opportunities; policies if two enterprises want to run similar programs; Operation Boot Camp program elements; whether similar programs are available at all parks; allowing the current program to expand to other parks; measuring demand; exclusivity agreements and competing programs; marketing; healthy competition; and enhancing City revenue.

Ronnie Jayne encouraged everyone to attend the Summer Concert series and announced Fiesta La Ballona on August 26-28, 2011.

Robert Zirgulis noted that PXP was allegedly willing to make the same concessions before the lawsuits were filed; expressed concern with the money spent on lawyers; noted that he was allegedly defamed for calling for dialogue rather than a lawsuit; he felt the City should raise the royalty rate it gets from PXP; and he wanted to see a statewide progressive windfalls profit tax against all oil companies with added revenues allocated to Culver City schools.

Alice Prasad, Associate Analyst, read written comments submitted by:

Ed Firth

July 11, 2011

Public Comment
(continued)

At this time, Ed Firth, a crossing guard at Elenda Street and Braddock Drive, addressed the City Council and expressed concern with safety at the intersection.

Mayor O'Leary indicated that the City was aware of neighborhood concerns and going through the public process which he encouraged Mr. Firth to participate in.

o0o

Receipt of Correspondence

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

o0o

July 11, 2011

Joint Consent Calendar

Item JC-1

Approval of a Tri-Party Professional Services Agreement with KOA/CBM to Prepare Construction Drawings for Improvements to the Washington Boulevard/Washington Place/Tilden Avenue Intersection to be Constructed by Tilden Terrace, LP.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AND AGENCY BOARD:

1. APPROVE A TRI-PARTY PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION TO PRODUCE CONSTRUCTION DOCUMENTS FOR IMPROVEMENTS TO THE WASHINGTON BOULEVARD/WASHINGTON PLACE/TILDEN AVENUE INTERSECTION IN AN AMOUNT NOT TO EXCEED \$73,150; AND
2. AUTHORIZE THE CITY ATTORNEY AND AGENCY GENERAL COUNCIL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND
3. AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY AND REDEVELOPMENT AGENCY, RESPECTIVELY.

o0o

Consent Calendar

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1, C-2, AND C-4.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE ADJOURNED REGULAR MEETING OF JUNE 6, 2011 AND THE MINUTES FOR THE SPECIAL MEETING OF JUNE 7, 2011 AS SUBMITTED.

o0o

July 11, 2011

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JUNE 18, 2011 TO JULY 1, 2011.

o0o

Item C-4

Adoption of a Resolution (1) Authorizing the City Manager to Execute and Submit the Used Oil Payment Program Application in Conjunction with the Cities of Beverly Hills and West Hollywood and (2) Authorizing the City of Culver City to Administer the Program.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R067 (1) AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT THE USED OIL PAYMENT PROGRAM APPLICATION IN CONJUNCTION WITH THE CITIES OF BEVERLY HILLS AND WEST HOLLYWOOD AND (2) AUTHORIZING THE CITY OF CULVER CITY TO ADMINISTER THE PROGRAM FOR THE NEXT THREE FISCAL YEARS.

o0o

The following Consent Calendar items were discussed and voted on separately:

Item C-3

Approval of an Amendment to the Lease Agreement with the State of California for Use of the Premises Located at 10808 Culver Boulevard (the Armory).

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson discussed his participation on the Homelessness Committee; expressed frustration with the system; he discussed the amount the State pays; the community benefit; and the cold weather shelter.

July 11, 2011

Item C-3
(continued)

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE AMENDMENT TO THE EXISTING LEASE AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE USE OF THE PREMISES LOCATED AT 10808 CULVER BOULEVARD; 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.

000

Item C-5

Approval of a Non-Infrastructure (Education and Enforcement Focused) Safe Routes to School Grant Application.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

John Heyl discussed accidents on Farragut Drive; reported attending a Safe Routes to School workshop; expressed support for strong police enforcement as well as education, encouragement and evaluation; discussed recent issues; and requested that speed limits around Culver City schools be reduced.

Robert Zirgulis discussed infrastructure to support bicycling as in Europe; wanted to see students encouraged to ride to school; suggested installing more bicycle racks; and expressed disappointment that infrastructure grant money was not obtained.

July 11, 2011

Item C-5
(continued)

Cary Anderson discussed the responsibility of parents to ensure their child's safety; infrastructure; he expressed support for targeted enforcement; concern with drivers who run stop signs; and he wanted to see education first and then enforcement, encouragement and evaluation.

Meghan Sahli-Wells expressed support for the grant proposal.

Alice Prasad, Associate Analyst, read written comments submitted by:

Gitty Amini
Brian Treanor
Susan Sinjur

Discussion ensued between the City Council and staff regarding the public process; the infrastructure portion of the grant; the application process; focusing on specific areas; deadlines; the prevalence of the problem in school areas; encouragement to staff to hold public meetings; public outreach; support from the school community; fliers which were distributed which may have contained misinformation; improving the safety of school areas; making it easier for children to walk and bike to school; implementing the Bicycle Master Plan; objections raised; issues that could be addressed; enforcement; the need to move forward; state versus federal grant opportunities; the difficulty of finding something that everyone can agree on; concern with conducting the process too quickly; the issue of alleys; responding to concerns; awareness of community needs; traffic, congestion and safety around schools in the City; taking a comprehensive look at safe routes to all schools in the City; the City Council not be informed about the community meetings and not having sufficient time to review this item; an upcoming community meeting on August 20, 2011; and vetting the tri-school area.

July 11, 2011

Item C-5
(continued)

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE NON-INFRASTRUCTURE SAFE ROUTES TO SCHOOL GRANT APPLICATION; 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.

o0o

Action Items

Item A-1

Consideration of a Proposal to Co-Sponsor the Culver City Small Business Opportunities Seminar Organized by California State Controller John Chiang and Hosted in the City Council Chambers.

Mayor O'Leary invited public comment.

There was no response.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL DETERMINED IT WISHES TO CO-SPONSOR THE CULVER CITY SMALL BUSINESS OPPORTUNITIES SEMINAR AND DIRECT THE CITY MANAGER AS DEEMED APPROPRIATE.

o0o

July 11, 2011

Item A-2

Approval of (1) a Temporary Art Installation in Conjunction with the 2011 IndieCade Festival and (2) a Professional Services Agreement Between the City and the Selected Artist Related to the Installation.

Mayor O'Leary invited public comment.

There was no response.

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

1. APPROVE "INVADED" AS THE SELECTED TEMPORARY ART INSTALLATION IN CONJUNCTION WITH THE 2011 INDIECADE FESTIVAL; AND,
2. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE SELECTED ARTIST IN AN AMOUNT NOT TO EXCEED \$6,500; 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.

ooo

July 11, 2011

Item A-3

1) Adoption of an Ordinance Repealing and Replacing Chapter 3.03 of the Culver City Municipal Code (CCMC) Relating to City Commissions and Agencies; 2) Adoption of an Ordinance Amending CCMC Section 9.10.040 to Designate the Public Works Director as the Person Responsible for Street and Parkway Trees Including the Removal of Trees with an Appeal to the PRCS Commission; and 3) Adoption of an Ordinance Amending CCMC Section 7.01.230.B.2 Clarifying those Individuals Eligible to Receive Parking Decals Which Exempt their Vehicles from Parking or Standing Provisions.

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson noted that there was no clarification regarding individuals eligible to receive parking decals exempting their vehicles from parking or standing provisions and questioned where the supporting documentation was.

Heather Baker, Assistant City Attorney, clarified that information was attached to the original ordinance; summarized exemptions and changes; agreed to email the speaker additional information; indicated that a typographical error would be corrected; clarified that the issue of job classifications was not part of the ordinance and Councilmember Armenta's opposition was reflected in the item brought forward on June 27, 2011; and she noted that the term limit issue was part of the ordinance.

Councilmember Armenta stated his opposition to the provision regarding term limits for Commissioners.

July 11, 2011

Item A-3
(continued)

Following discussion, the following motion was made:

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

1. ADOPT ORDINANCE NO. 2011-005 REPEALING AND REPLACING CCMC
CHAPTER 3.03 OF THE CULVER CITY MUNICIPAL CODE RELATING TO CITY
COMMISSIONS AND AGENCIES; AND,
2. ADOPT ORDINANCE NO. 2011-006 AMENDING CCMC SECTION 9.10.040
TO DESIGNATE THE PUBLIC WORKS DIRECTOR AS THE PERSON
RESPONSIBLE FOR STREET AND PARKWAY TREES WITH AN APPEAL TO THE
PRCS COMMISSION; AND,
3. ADOPT ORDINANCE NO. 2011-007 AMENDING CCMC SECTION
7.01.230.B.2 CLARIFYING THOSE INDIVIDUALS ELIGIBLE TO RECEIVE
PARKING DECALS WHICH EXEMPT THEIR VEHICLES FROM PARKING OR
STANDING PROVISIONS.

Councilmember Cooper received clarification that parking decals
only exempted Councilmembers when they were conducting City
business.

o0o

Public Comment for Items Not on the Agenda - continued.

Mayor O'Leary invited public participation.

There was no response.

o0o

Items from the City Council

Items Presented by Councilmember Armenta:

- Encouraged everyone to stay home and off the 405 Freeway
on July 16-17, 2011 during "Carmageddon".

o0o

July 11, 2011

Items Presented by Councilmember Cooper:

- Echoed Councilmember Armenta's comments and encouraged residents to patronize local businesses.

ooo

Items Presented by Mayor O'Leary:

- Reported attending a conference in San Diego where he learned about a barrel tax that Montebello has for oil drilling.
- Reported seeing Prince William and Catherine Middleton, the Duke and Duchess of Cambridge while they were visiting Culver City.

ooo

July 11, 2011

Adjournment

There being no further business, at 9:06 p.m., the City Council adjourned its meeting to a meeting to be held on July 25, 2011.

o0o

Ela Valladares
DEPUTY CITY CLERK of the City of Culver City, California
EX-OFFICIO CLERK of the City Council, City of Culver City,
California

APPROVED _____

MICHEÁL O'LEARY
MAYOR of the City of Culver City, California