

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

July 27, 2015
5:30 p.m.

Call to Order & Roll Call

Mayor O'Leary called the meeting of the City Council to order at 5:30 p.m. in the Mike Balkman Council Chambers at City Hall.

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

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Closed Session

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

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

CS-2 Conference with Legal Counsel - Existing Litigation
Re: Alice Bernous v. City of Culver City
LASC Case No. BC530546
Pursuant to Government Code Section 54956.9(d) (1)

CS-3 Conference with Legal Counsel - Anticipated Legislation
Re: Initiation of Litigation - 2 Matters
Pursuant to Government Code Section 54956.9(d) (4)

CS-4 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

Mayor O'Leary reconvened the City Council meeting at 7:08 p.m. with all Council Members present.

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Report on Action Taken in Closed Session

Mayor O'Leary indicated nothing to report out of closed session.

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Invocation/Pledge of Allegiance

The Invocation was given by City Manager John Nachbar, and the Pledge of Allegiance was led by former Mayor Paul Jacobs.

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Presentations

Item P-1

A Presentation of Certificates to Delegates of Culver City's Sister City Kaizuka, Japan

Allison Burns, Culver City Sister City Committee, provided background on the program.

Miyataki Shuichiro, Chaperone, discussed the program and hoped to continue the partnership.

Students presented gifts to the City Council and received certificates of recognition.

Barbara Honig thanked Allison Burns and Robin Ravel for their work on the exchange program, and she encouraged residents to participate in the program.

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Item P-2

Presentation to the City Council of a Video Entitled "This is Culver City"

Karim Sahli provided background on the creation of the film *This is Culver City*; he thanked participants, the Police and Fire Departments and Sue Bass; and he discussed availability of the film.

Len Dickter, Cultural Affairs Commissioner, discussed the origin of the film; noted that they would like to create an expanded version; thanked business participants and City staff for their assistance; thanked the crew for donating their time; discussed using the film as an economic development tool for the City; and he reported that the Culver Hotel and Helms Bakery had offered to screen the film noting that anyone interested in screening the film should contact him.

Council Member Cooper commended Mr. Sahli and Mr. Dickter for their work and discussed having future conversations with them about economic development in the City.

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

Council Member Sahli-Wells expressed appreciation for the film; reported receipt of a letter from the South Coast Air Quality Management District regarding a permit for emergency fire equipment at the Culver Studios and she requested staff to provide a memo to the City Council with information to address resident inquiries; she discussed the Culver City Summer Concert series; the Culver City Public Theatre series in Carlson Park on Saturdays and Sundays through August 23; and she announced free performances by The Actors' Gang on Saturdays and Sundays through the end of August.

Council Member Cooper commemorated the anniversary of the passing of former Chief Administrative Officer Dale Jones by removing his tie.

Mayor O'Leary discussed his recent trip to Ireland.

Martin Cole, Assistant City Manager/City Clerk, reported on the use of the new Granicus Government Transparency Suite.

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Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Gabriela Flores ceded one minute to Mary Clare Lingel.

Mary Clare Lingel, Cedars Sinai Medical Network, provided a presentation on the opening of their new offices in Culver City.

Diane Forte, Southern California Edison, introduced herself as the new City liaison; discussed planned upgrades; and online communication tools.

Discussion ensued between Council Members and Ms. Forte regarding contact information and the lifespan of power poles.

Seth Horowitz, General Manager of the Culver Hotel, asked everyone to vote for the Culver Hotel as USA Today's Top 10 Best Romantic Boutique Hotels in the USA.

Karen Gibbs, Fiesta La Ballona Committee Member, invited everyone to attend Fiesta La Ballona on August 28-30 and discussed activities and volunteers.

Marcus Tiggs, Fiesta La Ballona Committee Member, thanked Fiesta La Ballona sponsors noting their importance, and he indicated that it is not too late to participate as a sponsor.

Discussion ensued between staff and Council Members regarding attendance at the 2014 Fiesta; the hard work of

the volunteer committee; and appreciation to the Parks, Recreation and Community Services staff.

Dr. Janet Hoult discussed hidden gems in the City; her Painting with Words poetry class at the Senior Center; work with the Centennial Celebration Committee; she encouraged citizens to write poems about the City; discussed incorporating Sister City poetry; using an historical timeline; she reported working with the Cultural Affairs Commission noting that they would have news in September on how to move ahead with the position of Poet Laureate; and she concluded her remarks with a poem.

Troy Jackson commented on the Planning Commission's meeting regarding mansionization; discussed everyone's right to be heard; concern with acrimony; the importance of the process; open dialogue; and actions of surrounding cities.

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Receipt and Filing of Correspondence

Martin Cole, Assistant City Manager/City Clerk, reported that correspondence for Item A-3 received by the City Clerk's Office before 4:00 p.m. had been included.

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

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JOINT CONSENT CALENDAR

Item JC-1

**JOINT CITY COUNCIL/CULVER CITY HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY AGENDA
ITEM: Cash Disbursements for July 4, 2015 - July 17, 2015**

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY VICE MAYOR WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JULY 4, 2015 - JULY 17, 2015

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CONSENT CALENDAR

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY VICE MAYOR WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-2 THROUGH C-6.

Item C-2
(Out of Sequence)

Authorization to Submit a Highway Safety Improvement Program Cycle 7 Grant Application for a Protected/Permissive Left-Turn Phase Traffic Signal Upgrade Project

THAT THE CITY COUNCIL: AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A PROTECTED/PERMISSIVE LEFT-TURN PHASE TRAFFIC SIGNAL UPGRADE PROJECT FROM THE HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 7 GRANT PROGRAM.

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Item C-3

(1) Acceptance of Work Performed by All American Asphalt; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment of \$37,822.20 after Expiration of the 35-Day Lien Period for the Washington Place and Sawtelle Boulevard Resurfacing Project, PZ-942, Federal Aid No. STPL 5240 (031)

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK PERFORMED BY ALL AMERICAN ASPHALT FOR THE WASHINGTON PLACE AND SAWTELLE BOULEVARD RESURFACING PROJECT, PZ-942, FEDERAL AID NO. STPL 5240 (031); AND,

2) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE FOR RECORDATION; AND,

3) AUTHORIZE THE RELEASE OF \$37,822.20 IN RETENTION FUNDS TO ALL AMERICAN ASPHALT FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-4

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner for Use of the Public Rights-of-Way on Main Street from 136 feet to 160 feet north of Culver Boulevard

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER; AND
2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-5

Approval of a Professional Services Agreement with Motorola for Monitoring and Repair of the City's Two-way Radio System's Infrastructure and Dispatch Systems in an Amount Not-to-Exceed \$45,040.92

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 A ONE YEAR PERIOD, AUGUST 1, 2015 - JULY 31, 2016, IN AN AMOUNT NOT TO EXCEED \$45,040.92; 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-6

Approval of a Third Amendment to the Existing Professional Services Agreement with Sandrine Cassidy Schmitt Increasing the Not-to-Exceed Amount by \$1,470.00 (to a Total Not-to-Exceed Amount of \$61,470.00) to Support the Environmental Programs and Operations Division of the Public Works Department

THAT THE CITY COUNCIL:

- 1) APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH SANDRINE CASSIDY SCHMITT FOR AN ADDITIONAL AMOUNT NOT-TO-EXCEED \$1,470.00 (TO A TOTAL NOT-TO-EXCEED AMOUNT OF \$61,470.00) TO PROVIDE SUPPORT FOR THE ENVIRONMENTAL PROGRAMS AND OPERATIONS DIVISION OF THE PUBLIC WORKS DEPARTMENT; 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-1
(Out of Sequence)

Meeting Minutes

MOVED BY VICE MAYOR WEISSMAN AND SECONDED BY COUNCIL MEMBER COOPER THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF JULY 13, 2015. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Item C-7
(Out of Sequence)

Adoption of a Resolution Approving the Temporary Closing of Portions of Washington Boulevard, Washington Place, and Centinela Avenue in Connection with the 2015 CicLAvia

**Special Event, a City Sponsored Event, to be Held on
August 9, 2015 and Adopting Related Rules and Regulations**

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Lynne Davidson, Tito's Tacos, expressed opposition to the closing of Washington Place for the event noting that it would be detrimental to her business, and she asked for a compromise to allow her customers access to her restaurant.

Mayor O'Leary noted that due to the threat of litigation the City Council was unable to comment.

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING THE TEMPORARY CLOSING OF PORTIONS OF WASHINGTON BOULEVARD, WASHINGTON PLACE AND CENTINELA AVENUE IN CONNECTION WITH THE CICLAVIA CULVER CITY EVENT, A CITY SPONSORED EVENT (2015 CICLAVIA), TO BE HELD ON AUGUST 9, 2015 ADOPTING RELATED RULES AND REGULATIONS.

Martin Cole, Assistant City Manager/City Clerk, noted that with the vote the resolution had been adopted.

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Order of the Agenda

Martin Cole, Assistant City Manager/City Clerk, reported that the City Manager had requested that the public hearing be opened for item PH-2 and then continued to August 24, 2015.

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Public Hearings

Item PH-2
(Out of Sequence)

**Introduction of an Ordinance Granting a Franchise to Crimson
California Pipeline, L.P. for the Operation of Existing**

**Pipelines Located in the Public Rights-of-Way for the
Transportation of Oil or Products Thereof Pursuant to Certain
Terms and Conditions Contained in the Proposed Ordinance**

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY VICE MAYOR
WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN
THE PUBLIC HEARING.

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY VICE MAYOR
WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:
CONTINUE THE PUBLIC HEARING TO AUGUST 24, 2015 AT 7:00 P.M.

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Item PH-1
(Out of Sequence)

**Waiver of Formal Bid Procedures for the Construction of Public
Parking and Town Plaza Expansion Improvements Located at and
Adjacent to 9300 Culver Boulevard (Public Hearing
Continued from June 22, 2015 and July 13, 2015)**

MOVED BY VICE MAYOR WEISSMAN, SECONDED BY COUNCIL MEMBER
COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE
AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF PUBLIC
NOTICES.

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

Discussion ensued between staff and Council Members regarding
bringing the plans forward to the public; revisions;
accommodating the process; and the format.

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

Mayor O'Leary invited public participation.

No speakers came forward and no cards were received.

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

MOVED BY VICE MAYOR WEISSMAN, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: WAIVE THE FORMAL BID PROCEDURES, IN CONFORMANCE WITH CCMC SECTIONS 3.07.075.E.3 AND 3.07.090.E AND CULVER CITY CHARTER SECTION 1604 FOR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS LOCATED AT ASSESSOR'S PARCEL NOS. 4206-029-935 AND 4206-029-934 (AT AND NEAR 9300 CULVER BOULEVARD) AS PART OF THE INTEGRATED PARCEL B PROJECT.

Martin Cole, Assistant City Manager/City Clerk, noted that since the motion passed by the required 4/5ths vote that the formal bidding procedures had been waived.

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Action Items

Item A-1

Consideration of the Culver City Centennial Celebration Committee Inc.'s Quarterly Status Report, Including a Budget for the Centennial Event and Other Related Activities

Council Member Clarke indicated that he needed to recuse himself but wanted to address the City Council, and he exited the dais.

Mayor O'Leary invited public participation.

The following member of the audience addressed the City Council:

Jim Clarke, Culver City Centennial Celebration Committee, presented the latest quarterly report; introduced other members of the committee; discussed the website; the budget; sponsorship packages; community interest in activities; Opening Ceremonies on September 24; proposed events; and the departure of Laura Stuart from and addition of Barbara Honig to the Committee.

Discussion ensued between staff, Council Members and Centennial Committee Members regarding the time table; Parcel B; alternate locations; the proposed staff person; the website; graphic design; visual identity; social media; engaging young people; diversity on the committee; banners; timing; sponsorships; Culver City past, present and future; the target date for the website launch; timing procedures for

speakers; pricing for the gala; and budget adjustments.

MOVED BY VICE MAYOR WEISSMAN AND SECONDED BY COUNCIL MEMBER COOPER THAT THE CITY COUNCIL:

(1) RECEIVE AND FILE THE CCCCC'S QUARTERLY STATUS REPORT;
AND,

(2) AUTHORIZE REIMBURSEMENT OF CCCCC ELIGIBLE EXPENSES IN AN AMOUNT NOT-TO-EXCEED \$15,000 FOR FISCAL YEAR 2015/2016.
THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Council Member Clarke returned to the dais.

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Item A-2

**Consideration of a City Council Position on Senate Bill 350:
the Clean Energy and Pollution Reduction Act of 2015, as
Amended on July 16, 2015**

Mayor O'Leary invited public participation.

The following members of the audience addressed the City Council:

Rebecca Rona asked the City Council to support Senate Bill 350 and discussed the passing of her former husband Bob Rona.

Rick Tuttle acknowledged the importance of Bob Rona to the community; discussed SB 350; and he thanked Council Member Clarke for his efforts on the Centennial Committee.

Michelle Weiner discussed the City as being a leader; the South Bay Clean Power Community Choice Aggregation; choosing clean energy; participating in a risk free feasibility study; she asked that the item be placed on an agenda for consideration; and she distributed information on the item and a sample of a resolution to participate in the study.

Discussion ensued between staff and Council Members regarding interest from the Westside Council of Governments;

consideration in the Sustainability Subcommittee; registered supporters of the Bill; potential increased costs; the threshold to sustain life without climate change; reducing the use of fossil fuel; low carbon options; the Legislative Advocacy Program; legislation that contains unfunded mandates; the effects of support from the City; the intent of the Bill; actions already undertaken by the City; appreciation to Public Works for their efforts toward sustainability; and leading by example.

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: DIRECT THE CITY MANAGER PREPARE A LETTER IN SUPPORT OF SB 350 FOR THE MAYOR'S SIGNATURE.

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Item A-3

Introduction of an Ordinance Amending Section 11.15.010, Definitions, of Chapter 11.15, Tobacco Retailer Licensing, of the Culver City Municipal Code, to Require a Tobacco Retailer License for the Sale of Any Electronic Smoking Device or Electronic Smoking Device Paraphernalia

Mayor O'Leary invited public participation.

The following members of the audience addressed the City Council:

Sherwood Kingsley, Cancer Action Network, expressed support for amending the ordinance to include e-cigarettes and discussed preventing underage smoking.

Primo Castro, Cancer Action Network, expressed support for the amendment to add electronic cigarettes to the ordinance, and he discussed the targeting of youth.

Aneena Pokkamthanam, Los Angeles County Department of Public Health, thanked the City for its leadership in tobacco control; discussed teen use of e-cigarettes; reducing youth access; the need for more research; taking a precautionary approach; and she reported that the Department recommended amending existing tobacco licensing ordinances to include e-cigarettes as a tobacco product which would require obtaining a tobacco license that would discourage sales to minors.

Jane Steinberg expressed support for an ordinance requiring a

tobacco retail license for the sale of e-cigarettes and other electronic devices in the City and she discussed use of e-cigarettes by American youth.

Violet Ruiz, American Heart Association, expressed support for amending the ordinance to include e-cigarettes; she discussed public health measures; chemicals known to cause cancer, birth defects and other reproductive harm; and youth access to tobacco products.

Discussion ensued between staff and Council Members regarding whether e-cigarettes can help people quit cigarettes; concern with opening the door to the next generation; providing the ability to take action if shops are selling to minors; and clarification that notice was given to e-cigarette retailers.

MOVED BY COUNCIL MEMBER CLARKE, SECONDED BY COUNCIL MEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING SECTION 11.15.010, DEFINITIONS, OF CHAPTER 11.15, TOBACCO RETAILER LICENSING, OF THE CULVER CITY MUNICIPAL CODE, TO REQUIRE A TOBACCO RETAILER LICENSE FOR THE SALE OF ANY ELECTRONIC SMOKING DEVICE OR ELECTRONIC SMOKING DEVICE PARAPHERNALIA.

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Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

No cards were received and no speakers came forward.

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Items from the City Council

None.

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Adjournment

There being no further business, at 9:46 p.m., the City Council adjourned its meeting to Monday, August 10, 2015 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

July 27, 2015

MICHEÁL O'LEARY
MAYOR of Culver City, California