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

December 12, 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

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Closed Session

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

CS-1 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (2 items)
Pursuant to Government Code Section 54956.9(b)(1)

CS-2 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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Recess

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

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Reconvene

The City Council reconvened its meeting at 7:02 p.m. with all Councilmembers present.

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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 Boy Scout Troop #108.

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Closed Session Report

Mayor O'Leary indicated there was nothing to report out of Closed Session.

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Added Item

A Proclamation to the Culver City High School Centaurs.

Mayor O'Leary presented a proclamation to the Culver City High School Centaurs football team. The team played in the CIF finals but unfortunately did not win.

Councilmember Cooper congratulated the Centaurs and commended Mayor O'Leary for his motivational speech to the team.

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Presentations

Item P-1

A Presentation to the City Council from the Wende Museum.

Dr. Justin Jampol, representing the Wende Museum, provided a presentation on the museum and discussed finding a long-term, permanent home in Culver City.

Discussion ensued between the City Council and staff regarding engaging in discussions to explore ideas; the process and procedure; and City Council consensus for agendizing a discussion of the matter.

The following member of the audience addressed the City Council:

Stuart Freeman, Culver City Historical Society, reported their support of the efforts of Dr. Jampol to secure a permanent home in Culver City.

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

No action was taken on this item.

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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:

Bob Pine, Culver City Amateur Radio Emergency Services (CCARES), reported a mention of CCARES in the December edition of American Relay Radio League Magazine for their participation in an annual emergency communication event; and he extended an invitation to participate in the next event on June 23-24, 2012.

Mayor O'Leary received clarification that no training was required in order to participate.

Public Comment
(continued)

Seth Horowitz, Culver Hotel, requested City Council consideration of support for holding the WestDoc Conference in Culver City which would utilize the Culver Hotel and Pacific Theatres and the space between the theatre and the hotel.

Discussion ensued between the City Council and staff regarding placing the item on the January 9, 2012 agenda for full consideration; sponsorship; the use of the space between the Pacific Theaters and the Culver Hotel; a suggestion that staff meet with WestDoc representatives, the DBA, and representatives from the Culver Hotel and Pacific Theatres; and ensuring that there is no conflict with IndieCade.

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Receipt of Correspondence

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

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Consent Calendar

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1, C-2, C-3, C-5 AND C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 14, 2011 AS SUBMITTED.

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December 12, 2011

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR NOVEMBER 5, 2011 – DECEMBER 2, 2011.

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Item C-3

Approval of the Second Amendment to the Existing Joint Use Agreement with the Culver City Unified School District Extending the Term Thereof for an Additional Six Months (to June 30, 2012.)

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING JOINT USE AGREEMENT WITH THE CULVER CITY UNIFIED SCHOOL DISTRICT EXTENDING THE TERM THEREOF FOR AN ADDITIONAL SIX MONTHS (TO JUNE 30, 2012); 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 PSC Environmental Services for the Removal of Hazardous Waste from the City.

THAT THE CITY COUNCIL:

1. APPROVE A FIVE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH, PSC, FOR THE REMOVAL OF THE CITY'S HAZARDOUS WASTE IN AN AMOUNT NOT-TO-EXCEED $18,000.00 PER YEAR FOR AN AGGREGATE CONTRACT AMOUNT NOT-TO-EXCEED $90,000; 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 an Amendment to the Existing Professional Services Agreement with Bestway Recycling, Inc. to Purchase Recycling Material from the City for an Additional One Year Period.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH BESTWAY RECYCLING, INC. TO PURCHASE RECYCLABLE MATERIAL, FROM DECEMBER 12, 2011 UNTIL DECEMBER 31, 2012 FOR A PRICE OF $40 PER TON FOR COMMINGLED RECYCLABLE MATERIAL, 70% OFFICIAL BOARD MARKETS RATE (OBM) FOR LOOSE CORRUGATED CARDBOARD, AND $150 PER TON FOR BALED CORRUGATED CARDBOARD; 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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The following Consent Calendar items was discussed and voted on separately:

Item C-4

Approval of a Contract with IPS Group Inc., for the Sole-Source Purchase of 1,000 Parking Meters.

Councilmember Weissman received clarification regarding the timeline for installation.

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

1. APPROVE A CONTRACT FOR THE SOLE SOURCE PURCHASE OF 1,000 PARKING METERS FROM IPS GROUP INC. (IPS) IN AN AMOUNT NOT TO EXCEED $550,000 PLUS ON-GOING FEES; 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-7

Adoption of a Resolution Approving a Three (3) Year Memorandum of Understanding with the Culver City Firefighters Local 1927, AFL-CIO for the Period of January 1, 2012 through December 31, 2014, with the Option of an Additional One (1) Year Extension.

Councilmember Armenta expressed appreciation to staff and the bargaining groups for working cooperatively to save the City millions of dollars in the future.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R096 APPROVING A THREE (3) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CULVER CITY FIREFIGHTERS LOCAL 1927, AFL-CIO FOR THE PERIOD OF JANUARY 1, 2012 THROUGH DECEMBER 31, 2014, WITH THE OPTION OF AN ADDITIONAL ONE (1) YEAR EXTENSION.

Item C-8

Adoption of Resolutions (1A) Approving Side Letters of Agreement with the Culver City Employees Association and the Culver City Management Group (1B) Amending the Culver City Executive Compensation Plan; and (2) Rescinding Resolution Nos. 2011-R041, 2011-R056 and 2011-R070.

Councilmember Malsin indicated that he had not participated in discussions with the Culver City Management group and he recused himself from voting on the side letter of agreement with the Culver City Management Group.

Councilmember Malsin left the dais.

The following motion was made:

MOVED BY COUNCILMEMBER WEISSMAN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE CITY COUNCIL ADOPT RESOLUTIONS NO. 2011-R097 AND 2011-R098 APPROVING SIDE LETTERS OF AGREEMENT WITH THE CULVER CITY EMPLOYEES ASSOCIATION AND THE CULVER CITY MANAGEMENT GROUP AND RESOLUTION NO. 2011-R099 AMENDING THE CULVER CITY EXECUTIVE COMPENSATION PLAN; AND RESCINDING RESOLUTIONS NO. 2011-R041; 2011-R056 AND 2011-R070.

AYES:	Councilmembers Armenta, Cooper, Weissman, O’Leary
NOES:	None
ABSTAIN:	Councilmember Malsin
ABSENT:	None

Councilmember Malsin returned to the dais.

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Order of the Agenda

No action was taken on this item.

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Public Hearings

Item PH-1

(1) Adoption of a Resolution Confirming the Business Improvement District Advisory Board's Annual Report and the Levy of the Downtown Culver City Business Improvement District Assessment for 2012; and (2) Appointment of Members to the Business Improvement District Advisory Board for Calendar Year 2012.

Councilmember Weissman recused himself from this item due to a conflict of interest and left the dais at 7:42 p.m.

MOVED BY COUNCILMEMBER COOPER AND SECONDED BY COUNCILMEMBER MALSIN, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

AYES:	Councilmembers Armenta, Cooper, Malsin, O'Leary
NOES:	None
ABSTAIN:	Councilmember Weissman
ABSENT:	None

Mayor O'Leary clarified that Councilmember Weissman recused himself from the hearing as his business is located in the Business Improvement District.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE PUBLIC HEARING BE OPENED.

AYES:	Councilmembers Armenta, Cooper, Malsin, O'Leary
NOES:	None
ABSTAIN:	Councilmember Weissman
ABSENT:	None

Mayor O'Leary invited public comment.

There was no response.

MOVED BY COUNCILMEMBER COOPER AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE PUBLIC HEARING BE CLOSED.

AYES: Councilmembers Armenta, Cooper, Malsin, O'Leary
NOES: None
ABSTAIN: Councilmember Weissman
ABSENT: None

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R100 CONFIRMING THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD'S ANNUAL REPORT AND THE LEVY OF THE DOWNTOWN CULVER CITY BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR 2012; AND

2. APPOINT MEMBERS TO THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; AND

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

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

AYES: Councilmembers Armenta, Cooper, Malsin, O'Leary
NOES: None
ABSTAIN: Councilmember Weissman
ABSENT: None

Councilmember Weissman returned to the dais at 7:45 p.m.

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Action Items

Item A-1

(1) Introduction of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; and (2) Direction to Staff Regarding Potential Zoning Code Amendment for Future Change of Use of Mobile Home Park Properties.

Tevis Barnes, Housing Administrator, introduced the item.

Sherry Jordan, consultant, provided an overview of the proposed ordinance and highlighted certain clarifications, additions and omissions.

Sol Blumenfeld, Community Development Director, provided an overview analysis for providing additional development intensity.

Discussion ensued between the City Council and staff regarding the accuracy of the staff report on City Council direction; appreciation for the incorporation of suggestions; the Relocation Impact Report; and length of the process.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Frank Campanga, Grandview Mobile Home Park Association, discussed the proposed conversion ordinance; the amount of notice for park closure; the benefit amount; the 2008 City Council determination that existing state law did not provide adequate protection; he expressed concern with the proposed ordinance; requested 18 months' notice before any possible evictions; observed that the current proposal did not go beyond state law; requested a method of determining value; asserted that the ordinance, with some adjustments, would be acceptable; discussed the density bonus for the park owners; and compensation of the owner for relocation costs.

Neema Ahadian, representing a developer interested in redeveloping the site, discussed the high cost of relocation; the time frame for notice; he read and discussed notes from their consultant, a California Licensed Appraiser for Mobile Home Parks; and he discussed estimated costs.

Keith Moret, representing Frank Teng, one of the owners of the mobile home park located at 4025 Grand View Boulevard, indicated that he had been hired to help sell the park as Mr. Teng wants to retire; he expressed concern that developer response had been negative since the ordinance; discussed fair market value; and improving the neighborhood.

Terry Dowdall discussed the ability to review the new proposal; consultants; expenses; procedural issues; he suggested that the City Council consider a mandated conciliation session supervised by the City; one on one resident sessions; and dispute resolution.

Michael Goodman, representing Roy Matsuoka, owner of the mobile home park located at 4071 Grand View Boulevard, expressed concern with the ability to review the information; substantial returns for residents without making any investment in the park; and the current market rate on the units.

Ela Valladares, Deputy City Clerk, read written comments submitted by:

Ceclia Kurtz

The City Council announced it would recess the meeting in order to give staff time to prepare responses to speakers’ comments.

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Recess

The City Council recessed its meeting at 8:32 p.m.

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Reconvene

The City Council reconvened its meeting at 8:43 p.m., with all Councilmembers present.

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Item A-1
(continued)

Sol Blumenfeld, Community Development Director, addressed speakers' comments regarding the period of time for noticing park tenants; the density bonus; relocation payments; language regarding appraised value by a certified appraiser; an approved appraiser list; the density incentive; value of the park; relocation costs per space; legal and permitting costs; state requirements; definition and process; valuations; whether the ordinance jeopardizes redevelopment of the property; the amount of time to review the report; the formula used as providing more specificity; and whether the ordinance creates a climate for litigation.

Heather Baker, Assistant City Attorney, discussed the valuation of mobile homes for those who cannot be relocated and indicated that the ordinance was lawful as written.

Sol Blumenfeld, Community Development Director, discussed procedures; consultant costs; one on one tenant resolution; market rate for the units; the Keyser Marston Associates (KMA) Report; the relocation plan; further research; and pertinent costs.

Discussion ensued between the City Council and staff regarding appreciation that the revised ordinance addressed previously discussed issues; valuation of the land; protecting the parcel; a potential density bonus; relocation assistance; the Relocation Impact Report; costs incurred under state law; additional benefits; calculations; calculation of the offsets; variations between mobile homes; the value of mobile homes as moved; precise calculations; fairness; allowing additional time for a smooth transition; and length of the process.

Councilmember Armenta made a motion to approve motions 1A, 1B and 1C.

Councilmember Weissman expressed concern that the proposed bonus formula would act as an incentive to move forward with the sale; he discussed consideration of a density bonus; expressed concern with protecting the residents; and indicated that he wanted to see a discussion of a zoning code amendment in the future to consider the issue of a density bonus.

Councilmember Armenta amended his motion to exclude motion 1C.

Further discussion ensued between the City Council and staff regarding appreciation to staff for their efforts; effects of the ordinance on potential buyers; and expiration of the Relocation Impact Report.

Following discussion, the following motion was made:

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

1A. INTRODUCE ORDINANCE NO. 2011-010 TO AMEND THE CULVER CITY MUNICIPAL CODE BY ADDING A NEW CHAPTER 15.13 RELATING TO MOBILE HOME PARK RESIDENT PROTECTION;

1B. DIRECT STAFF TO RETURN TO CITY COUNCIL WITH A RELATED RESOLUTION ESTABLISHING THE FEES FOR PROCESSING A RELOCATION IMPACT REPORT APPLICATION, CONCURRENTLY WITH THE ADOPTION OF THE ORDINANCE; AND

2. DIRECT STAFF TO SCHEDULE A FUTURE DISCUSSION REGARDING A ZONING CODE AMENDMENT TO CONSIDER THE ISSUE OF DENSITY BONUSES.

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Public Comment for Items Not on the Agenda (Continued)

Mayor O’Leary invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson discussed audio issues during the Council Meeting of December 5, 2011 and suggested that the meeting be replayed; he suggested that a message be displayed onscreen with information on who to contact if there is an issue with the transmission or when Channel 35 goes off the air; and he discussed the effects of heavy crowds in the downtown area on the residential neighborhood south of Town Plaza.

Responding to Mayor O’Leary, Martin Cole, Assistant City Manager/City Clerk, clarified that the sound issue last week was due to a malfunction of Time Warner equipment and the issue has been addressed; he reported that an email blast with a link to the broadcast of the meeting had been sent out; he agreed to re-broadcast the meeting on Channel 35 on December 17, 2011; and he discussed the operating budget for Channel 35.

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Items from the City Council

Items Presented by Councilmember Cooper

- Wished everyone Happy Holidays.

- Noted changes to the City Council in the upcoming year and expressed appreciation for the dynamic of the City Council.

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Items Presented by Councilmember Armenta:

- Wished everyone Happy Holidays.

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Items Presented by Councilmember Weissman:

- Expressed pride in the cooperation and good faith of the City employees in addressing short and long-term pension and health benefit issues.

- Expressed appreciation for his colleagues.

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Items Presented by Councilmember Malsin:

- Expressed appreciation to involved residents for their continuing commitment to the City.

- Announced his resignation as a Councilmember and explained he was resigning in order to keep health benefits for his family. The benefits will expire on December 31, 2011 due to changes the City is making to its health benefits plan.

  At this time, discussion ensued between the City Council and staff regarding City Charter requirements in the event of a vacancy; a suggestion to add the item to the agenda as an emergency item; the Election Code and potential costs; deadlines; legally accepting the vacancy for the record; amending the resolution calling the April 2012 election to allow for the additional seat; the opportunity to notice the election in a timely matter; and whether the City Council could act until the vacancy is in effect.

  MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUINCIL ADD AN ITEM TO THE AGENDA AS AN URGENT MEASURE UNDER GOVERNMENT CODE SECTION 54954.2(b)(2).

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Recess

The City Council recessed its meeting at 9:33 p.m.

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Reconvene

The City Council reconvened its meeting at 10:11 p.m., with all Councilmembers present.

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Added Item

At this time, Martin Cole, Assistant City Manager/City Clerk, read into the record the title of the proposed resolution amending the resolution calling the April 2012 election.

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADD CONSIDERATION OF THE PROPOSED RESOLUTION TO THE AGENDA AS AN URGENT MEASURE UNDER GOVERNMENT CODE SECTION 54954.2(b)(2).

Martin Cole, Assistant City Manager/City Clerk, discussed City Charter requirements regarding City Council vacancies; deadlines for filing nomination papers for the next general municipal election; and he read the text of the proposed resolution into the record.

Mayor O’Leary invited public comment.

There was no response.

Discussion ensued between the City Council and staff regarding the differences in terms for the four Council seats; whether to appoint an interim Councilmember; adding another agenda item or calling a special meeting to appoint an interim Councilmember; considering making an appointment as an agenda item on January 9, 2012; the Charter requirement that the seat be put on the April 2012 ballot; publishing requirements for the Notice of Election and costs; concern with engaging in dialogue without the item being agendized; the policy regarding a split vote; public input; and concern with having enough time to select an appointee. A City Council majority indicated no interest in appointing an interim Councilmember.

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE RESOLUTION NO. 2011-R101 [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING RESOLUTION NO. 2011-R087 CALLING THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 10, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE CITY CHARTER OF THE CITY OF CULVER CITY AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO INCREASE THE CITY’S TRANSIENT OCCUPANCY TAX FROM 12% TO 14%].

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Items from the City Council - continued

Items Presented by Mayor O’Leary:

- Wished everyone Happy Holidays.

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Adjournment

There being no further business, at 10:37 p.m., the City Council adjourned its meeting to a meeting to be held on January 9, 2012.

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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 January 23, 2012

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