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UNTIL APPROVED BY THE
CITY COUNCIL

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

October 8, 2012
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: Andrew Weissman, Mayor
Jeffrey Cooper, Vice Mayor
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember
Meghan Sahli-Wells, Councilmember

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Closed Session

At 5:30 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel - Existing Litigation
Re: City of El Segundo, et al. v. City of Los Angeles, et al.
Case No. RIC 426822
Pursuant to Government Code Section 54956.9(a)

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

CS-3 Conference with Legal Counsel - Anticipated Litigation
Re: Initiation of Litigation - 1 Matter
Pursuant to Government Code Section 54956.9(c)

CS-4 Conference with Real Property Negotiators
Re: 9480 Culver Boulevard (Town Plaza)
City Negotiator: John Nachbar, City Manager; Martin R. Cole,
Assistant City Manager
Other Parties Negotiators: Los Angeles County Bicycle Coalition

Under Negotiation: Both Price and Terms of Payment
Pursuant to Government Code Section 54956.8

CS-5 Conference with Real Property Negotiators
Re: 9070 Venice Boulevard (Media Park)
Agency Negotiator: John Nachbar, City Manager; Martin R. Cole,
Assistant City Manager
Other Parties Negotiators: Share Our Strength
Under Negotiation: Both Price and Terms of Payment
Pursuant to Government Code Section 54956.8

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Reconvene

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

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Report on Action Taken in Closed Session

Mayor Weissman 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 Robert Montgomery.

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Presentations

Item P-2
(Out of Sequence)

**A Commendation to Dave Rabb Children's Fitness Center in
Recognition of their Contributions to the Disabled Community
in Culver City**

Vice Mayor Cooper presented the commendation.

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Item P-1

A Proclamation Designating October as Disability Awareness Month

Councilmember O'Leary presented the proclamation.

Dr. Jay Sherry expressed gratitude for the proclamation and announced upcoming events in recognition of Disability Awareness Month.

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Item P-3

A Commendation to Mayra Fornos for her Contributions to the Disabled Community in Culver City

Mayor Weissman presented the commendation.

Mayra Fornos thanked the City for the honor.

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Community Announcements By City Council Members/Information Items From Staff

Councilmember Clarke thanked Captain Tankenson for quickly addressing the issue of oversized trucks parking on Hannum Avenue in Fox Hills, and he announced the creation of a community calendar at americantowns.com/ca/culvercity that can be reached from a link on the Culver City website.

Vice Mayor Cooper thanked Stephanie Barish for another successful IndieCade event in downtown Culver City.

Councilmember Sahli-Wells reported attending CycLAVia on October 7; she announced groundbreaking for The Help Group on October 11 and the Culver City Cultural Affairs Foundation fundraiser on October 12; she reported that PXP would release their fracking study online on October 10 with a presentation about it on October 15 at the Knox Presbyterian Church; and she announced the Culver City Education Foundation fundraiser on October 20.

Mayor Weissman announced the Community Walk regarding Measure Y on October 13 starting in Veterans Park.

Martin Cole, Assistant City Manager/City Clerk, announced that sample ballots were now available for the upcoming election on November 6; he indicated that information about the election and Measure Y were available on the City website; and he clarified that the last day to register to vote and/or file for an absentee ballot is October 22 with additional information available through the City website.

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Joint Public Comment - Items Not on the Agenda

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

David VonCannon announced an organizational meeting for the Tellefson Neighborhood Association on October 9 at Quest Church.

Councilmember Clarke noted that information for all of the previously mentioned events could be found on the community calendar.

Rebecca Rona invited everyone to attend a presentation by PXP at Knox Presbyterian Church on October 15 regarding the release of the findings of the long awaited fracking study; she discussed fracking and expressed hope that the City would eventually ban it; she expressed concern that the study was not conducted by an impartial party; and she indicated that the study would be released on PXP's website on October 10.

Karlo Silbiger, Culver City School Board, addressed concerns raised at the previous City Council meeting regarding establishing a fracking committee; he discussed the benefits of such a committee; and expressed support for the creation of a fracking committee.

Rich Waters discussed a fungus spreading through the ficus trees in the City and he expressed concern regarding delays to an ordinance coming before the City Council regarding removal of the diseased trees.

John Nachbar, City Manager, indicated that he would investigate the matter and contact Mr. Waters with additional information.

Rick Tuttle invited everyone to attend the PXP presentation at Knox Presbyterian Church on October 15; he reported that Governor Cuomo of New York had pulled back from his decision to encourage fracking; and he discussed drilling induced earthquakes.

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Receipt and Filing 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 CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR SEPTEMBER 15, 2012 - SEPTEMBER 28, 2012.

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Consent Calendar

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-3, C-5 AND C-6.

Item C-3
(Out of Sequence)

**(1) Approval of a Standard Offer, Agreement and Escrow
Instructions for the Purchase of Real Estate for the Property
Located at 5718-5722 Bankfield Avenue for a Purchase Price**

**of \$1.4 Million; and (2) Approval of a Budget Amendment
Related Thereto**

THAT THE CITY COUNCIL:

1. APPROVE A STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR THE PURCHASE OF REAL ESTATE FOR THE PROPERTY LOCATED AT 5718-5722 BANKFIELD AVENUE FOR A PURCHASE PRICE OF \$1.4 MILLION; 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; AND,
4. APPROVE A BUDGET AMENDMENT APPROPRIATING \$250,000 FROM THE SANITATION ENTERPRISE FUND AND \$1,160,000 FROM THE SEWER ENTERPRISE FUND FOR THE PURCHASE OF THE SUBJECT PROPERTY.

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Item C-5
(Out of Sequence)

**Adoption of a Resolution Approving an Encroachment Agreement
with XO Communications for Use of the Public Right-of-Way
Along Adams Boulevard, Washington Boulevard and La Cienega
Boulevard**

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH XO COMMUNICATIONS; 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

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Green Valley Circle

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE FOR USE OF THE PUBLIC RIGHTS-OF-WAY ON GREEN VALLEY CIRCLE; 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-1
(Out of Sequence)

Approval of a Professional Services Agreement with California Claims Management Services (CCMS) to Provide Workers Compensation Administration Services

Councilmember Sahli-Wells received clarification regarding fiscal advantages to using outside firms to settle workers compensation claims rather than in-house legal staff; measures put in place to reduce workplace injuries; the average number of claims; length of time to settle claims; and tracking the amount of claims filed and money allotted to the company processing the claims.

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

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CALIFORNIA CLAIMS MANAGEMENT SERVICES TO CONTINUE TO PROVIDE WORKERS COMPENSATION ADMINISTRATION SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$288,000 PER YEAR FOR EACH YEAR OF THE AGREEMENT; 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-2
(Out of Sequence)

Amendment to the Existing Professional Services Agreement with Haynes Building Services to Continue Providing Citywide Janitorial Services

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Rich Waters discussed usage of tables at the Senior Center; supervision; the contract; and donated tables.

Discussion ensued between staff and Councilmembers regarding responsibility for care of tables during set up and take down; direction to the contractors and their responsiveness; clarification that there are signs of significant wear on the tables but they do not pose any danger; the Haynes tables; the new tables; outdated tables; and the weight of various tables.

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

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH HAYNES BUILDING SERVICES TO PROVIDE CITYWIDE JANITORIAL SERVICES IN THE AMOUNT OF \$522,692.40, PLUS THE COST TO PROVIDE EVENT SERVICE WORKERS AT \$17.41/HOUR, FOR THE INITIAL THREE YEARS OF THE PROPOSED AGREEMENT; AND,
2. AUTHORIZE THE EXTENSION OF THE AGREEMENT FOR AN ADDITIONAL TWO YEARS AT THE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER AND THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES AT AN AGREED UPON AMOUNT BASED ON THE CONSUMER PRICE INDEX; 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)

Approval of an Amendment to the Existing Professional Services Agreement with Barry Kurtz to Support the Traffic Engineering Section of the Public Works Department

Councilmember Clarke received clarification regarding the City policy with respect to expansion of an existing project.

Discussion ensued between staff and Councilmembers regarding what is considered within the traffic study; disagreements between the Planning Commission and the City; the municipal ordinance; project analysis; impact of the project; findings required under the Conditional Use Permit; consideration of the entire project rather than incremental increases; clarification that the item under consideration is the traffic consultant contract rather than policies for traffic studies; defining projects; and existing conditions and related projects.

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

- 1) APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH BARRY KURTZ TO PROVIDE PART-TIME SUPPORT FOR THE TRAFFIC ENGINEERING SECTION ON PUBLIC AND PRIVATE DEVELOPMENT PROJECTS, WITH AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$47,000; 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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Order of the Agenda

No changes were made.

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Action Items

Item A-1

Consideration of Appointment of a New Commissioner to the Cultural Affairs Commission

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

John B. Williams indicated a willingness to serve on the Commission and he discussed his experience and qualifications.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPOINT JOHN B. WILLIAMS TO FILL SEAT NUMBER TWO ON THE CULTURAL AFFAIRS COMMISSION FOR THE PERIOD OF NOVEMBER 1, 2012 THROUGH JUNE 30, 2013.

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Item A-2

(1) Consideration of the Formation of a Finance Advisory Committee and (2) Adoption of a Resolution Establishing Such Committee and Approving Its Bylaws

Jeff Muir, Chief Financial Officer, presented the material of record.

Discussion ensued between staff and Councilmembers regarding the experiences of other cities.

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Crystal Alexander discussed the City's public finance advisory committee in the 1980s; the track record of the City; the utility users tax; the hotel tax; the proposed sales tax increase; success of the committee; the basic bylaws; Councilmember intent; duties of the committee; and she suggested study items for the City's outside auditors as well as adding an item to include other topics determined by the City Council to add flexibility.

David VonCannon expressed concern with education and background requirements to serve on the committee; impacts to staff time; outcome vs. effort; time required for volunteers who would serve; and he suggested rethinking whether the committee should be formed.

Stephen Murray discussed what he felt the function of the committee should be.

Steve Reitzfeldt reported requesting the committee for the past ten years; discussed volunteering in the City; the requested qualifications; and he wanted to see the focus of the committee broadened to allow flexibility in the mission of the committee.

Gary Silbiger suggested changes to the staff report; discussed successful resident based committees; the composition of and number of members on the committee; the selection process; duties of the committee; required expertise; he noted that Councilmembers were rarely members of such committees but could be non-voting members and act as liaisons to the committee; and he felt the proposal was top heavy with business representatives.

Seth Horowitz, The Culver Hotel, discussed the demise of the redevelopment agency and management of incoming taxes, and he suggested areas for the committee to focus on.

Goran Eriksson, Culver City Chamber of Commerce, noted that an integral part of support for Measure Y was the establishment of the Financial Advisory Committee; he expressed concern with the effectiveness of the committee with such a narrow focus; encouraged the City Council to expand the function of the committee; discussed the active nature of members of the Chamber; and expressed support for the establishment of the committee.

Karlo Silbiger thanked those who encouraged the establishment of the committee; noted that establishment of the committee was part of the language of the School Board approval of Measure Y; he discussed the School District Budget Advisory Committee; the importance of giving direction to the committee; scope of work for the committee; and he expressed concern with having Councilmembers serve on the committee as he felt that would give them too much authority.

Discussion ensued between staff and Councilmembers regarding transparency; the message that money raised by Measure Y would be spent responsibly; building confidence and communication in the community; the budget process; adding to the duties suggested in the report; addressing the issue of economic development; outreach and education; the bylaws; the labor representative; separation between departments and the committee; best practices; ways that Los Angeles County has worked to save money; flexibility with the number of committee members; concerns with staff time; the importance of the committee; the number of qualified applicants; resident support of Measure Y; Measure Y revenues and expenses; balance between business and residents in the membership; dissolution of the Treasurer's Investment Subcommittee; the current Economic Development subcommittee; the focus on Measure Y in the creation of the committee; economic impacts to Culver City should Measure Y not pass; the most business-friendly cities in the region; and getting committee members up to speed.

Responding to inquiry from Vice Mayor Cooper, Crystal Alexander provided information regarding the previous Financial Advisory Committee.

Additional discussion ensued between staff and Councilmembers regarding the purpose of the previous Financial Advisory Committee; whether Councilmembers should serve on the committee; representatives from management groups; reinforcing the credibility of the City; formation of the committee and staffing; scope of duties and responsibility; the importance of a free flow of ideas; staff time necessary to support the committee; providing an avenue of appeal for the committee through the City Council; providing necessary information to the committee to fulfill their functions; the importance of regular meetings; the number of members and composition of the committee; qualifications and training; structuring the committee; the ability of any member of the public to ask staff any question they like; establishing a system for providing information to the committee; focusing on Measure Y; whether a school district representative should be included; maintaining the focus of the committee; assessing how Measure Y is performing; measuring the productivity of the committee; creating a specific focus; how long it will take for Measure Y money to come in; work of the committee before money comes in; whether the committee should formulate their charge and direction; understanding the dynamic of the City; whether to broaden the focus of the committee or keep it specific to Measure Y; adding or removing duties and responsibilities as

circumstances dictate; resolving the issue of time consuming requests to staff; consensus of the committee when requesting staff information; consensus of the City Council that Councilmembers not serve on the committee; the level of interest from the public and qualified candidates; specifying the minimum number of each type of representative on the committee; and when the item would return to the City Council.

The City Council requested this item return at a future City Council meeting to provide staff with additional time to revise the proposed bylaws consistent with tonight's discussion.

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Item A-3

Consideration of Comments on the Los Angeles World Airport Draft Environmental Impact Report for the Specific Plan Amendment Study Related to Proposed Expansion at Los Angeles International Airport (LAX)

Councilmember Clarke indicated a need to recuse himself from the item and he exited the dais.

Carol Schwab, City Attorney, provided a summary of the material of record.

Barbara Lichtman, City Special Counsel, provided a summary of comments relative to the concerns of Culver City.

Mayor Weissman invited public input.

Martin Cole, Assistant City Attorney/City Clerk, indicated that June Lehrman had submitted a card but was no longer present and she had also submitted an e-mail that had been received and filed as part of the item.

Discussion ensued between Councilmembers and staff regarding comments provided to the draft EIR; the state mandate to reduce greenhouse emissions; proximity of Culver City to the airport; noise, overflight and air quality; altitude of the aircraft; concern with the capacity enhancing potential and impacts; and appreciation that the City can submit comments under the California Environmental Quality Act.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER

SAHLI-WELLS THAT THE CITY COUNCIL: AUTHORIZE THE CITY ATTORNEY AND CITY SPECIAL COUNSEL TO SUBMIT COMMENTS ON BEHALF OF THE CITY, CONSISTENT WITH THE CITY COUNCIL'S CONCERNS AS EXPRESSED THIS EVENING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Councilmember Clarke returned to the dais.

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

The following member of the audience addressed the City Council:

Stephen Murray received clarification regarding the website mentioned earlier in the evening listing Culver City events (americantowns.com/ca/culvercity).

Discussion ensued regarding the community calendar on the City website and the belief that the americantowns website provides more flexibility with listing events.

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Items from the City Council

Items from Councilmember Clarke

- Requested a way to find information regarding economic development related to hosting events such as IndieCade

Discussion ensued between Councilmembers regarding a survey created to measure the impacts of the Car Show on local business, and a suggestion that as part of granting City sponsorships, each event conduct an exit survey with data to be shared with the City.

- Encouraged people to visit the community calendar site americantowns.com/ca/culvercity

Items from Councilmember Sahli-Wells

- Received an update on the status of the Clean Air Resolution

Assistant City Manager/City Clerk Martin Cole responded the item was scheduled for City Council consideration on October 22, 2012.

- Questioned the time frame for the plastic bag ban

Items from Mayor Weissman

- Discussed a new 100% recyclable plastic bag

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Adjournment

There being no further business, at 10:13 p.m., the City Council adjourned its meeting to a meeting on Monday, October 22, 2012 at 7:00 p.m.

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

ANDREW WEISSMAN
MAYOR of the City of Culver City, California