

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

March 10, 2014
5:00 p.m.

Call to Order & Roll Call

Mayor Cooper called the meeting of the City Council to order at 5:00 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 5:00 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - (3 items)
Pursuant to Government Code Section 54956.9(d)(2)

CS-2 Conference with Legal Counsel - Anticipated Litigation
Re: Initiation of Litigation - 1 Matter
Pursuant to Government Code Section 54956.9(d)(4)

CS-3 Conference with Legal Counsel - Existing Litigation
Re: City of Culver City, et al. v. Michael Cohen, et al.
Case No. 34-2013-80001719
Pursuant to Government Code Section 54956.9(d)(1)

CS-4 Conference with Legal Counsel - Existing Litigation
Re: Juanita Alamillo v. Culver City
Case No. SC116196
Pursuant to Government Code Section 54956.9(d)(1)

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Reconvene

Mayor Cooper reconvened the City Council meeting at 7:12 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 Kristin Bell.

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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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Presentation

Item P-1

Presentation of Certificates of Recognition to Participants in the Los Angeles Marathon from the City's Sister City of Kaizuka, Japan

Marla Wolkowitz, Culver City Sister City Committee, Inc. thanked the City for helping celebrate the 50th anniversary of the sister city relationship with Uruapan, Mexico; she announced upcoming anniversaries with other cities; and discussed various marathons.

Matt Seeberger, Exchange Marathon Chairman, thanked the City for its assistance and introduced marathon participants who thanked the City for their support, encouraged everyone to visit Kaizuka, and presented gifts to the City Council.

Vice Mayor Sahli-Wells presented certificates of recognition to the runners.

Mayor Cooper presented the runners with gifts.

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Community Announcements by City Councilmembers/Information Items from Staff

Mayor Cooper reported making the opening remarks at the Youth and Government meeting; discussed the proposed fracking ban proposed by the City of Los Angeles; and received City Council

consensus to agendize a discussion of a moratorium and ban on fracking for consideration at the meeting of March 24, 2014.

Discussion ensued between Councilmembers and staff regarding the draft drilling ordinance; the draft timeline; options; actions of the City of Los Angeles; the specific plan; the discussion draft; public comment; industry comment; regulations to protect the health and safety of residents; proposals by the Division of Oil, Gas and Geothermal Resources (DOGGR); the effectiveness of working regionally; outreach; and enhanced power by working as a joint coalition.

Vice Mayor Sahli-Wells announced the Annual Fundraiser for the Youth Health Center on March 15; Casino Night at the High School on March 15; discussed the work of the Sustainability Subcommittee on the Parkway Ordinance and announced an informational meeting on March 20 at City Hall; asked about the availability of staff to make presentations at Neighborhood Association meetings; and the Parkway survey on the City website.

Councilmember O'Leary received clarification regarding responsibility for sinkholes in the parkway after tree plantings.

Vice Mayor Sahli-Wells announced the next meeting of the Community Advisory Panel on March 27 at the Kenneth Hahn Recreation Center.

Councilmember O'Leary wished everyone a happy and safe St. Patrick's Day; reported missing the Expo. Board meeting but attending the Joint Policy Committee meeting of Southern California Association of Governments; discussed water issues; fixing water problems outside of the state; a 1968 law prohibiting California from importing water; and his appointment to the Commission on Alcohol and Other Drugs.

Mayor Cooper commended Councilmember O'Leary for his leadership and for pointing out water issues in many northern states.

Councilmember Weissman discussed the many achievements of Red Betts in the City and requested that the meeting be adjourned in his memory.

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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:

Alan Corlin discussed the Community Benefits Program for developers; a project in process on Washington Boulevard; mitigated negative declarations; tandem parking; community benefits vs. density tradeoffs; rents and profits collected from additional dwellings; his perspective as a former Councilmember; and he requested consideration of revisiting the allowable maximum density per acre in Culver City, the Community Benefits Program, and the granting of mitigated negative declarations based on incremental increases being below a particular threshold of a project and not taking into consideration the area as a whole.

Jennifer Mulder, Vox Femina, thanked the City for their support; announced their upcoming Performing Arts Grant supported free concert at the Culver City Presbyterian Church on March 16.

Mark Hensley discussed energy efficiency in Culver City; suggested instituting a program called CCHERP or the Culver City Home Energy Retrofit Program sponsored by the Energy Network, Energy Upgrade California, Southern California Edison and the Gas Company; he discussed education; other participating cities; he asked to be placed on a future agenda so that the developer could make a presentation; and noted that he had already been working with the City.

Mayor Cooper encouraged Mr. Hensley to provide staff with information and make a presentation to the Sustainability Subcommittee.

Dr. Janet Hoult discussed Arbor Day and the Urban Forest.

Charles Hoult discussed an article in Culver City Life; the long term plan of the City; the tree survey project; resident input; notification; the survey process; and acceptable tree species.

Discussion ensued between staff and Councilmembers regarding the study to develop a sustainability plan for the urban forest; the RFP process; the evaluation stage to select a

consultant; community outreach; public meetings and input; and the notification list.

Kevin Klowden asserted that Coral trees were difficult to maintain; he thanked Councilmember O'Leary for his work regarding water issues; requested transparency regarding 4545 Sepulveda; expressed concern with long-term environmental costs when compressors are removed; and the decision-making process of the property owner.

Discussion ensued between staff and Councilmembers regarding 4545 Sepulveda Boulevard; alleviating safety concerns; whether the property would continue as an ice rink; the specific use variance; existing regulations; and the focus of the City to abate a public safety hazard.

Tamara Coffin discussed the actions of Mr. Karagozian, and expressed concern with a lack of communication or compromise and the loss of revenue to surrounding businesses.

J.E. Brockm expressed support for a collaboration with Los Angeles for a moratorium on fracking; asserted that SB4 would not protect the City; discussed cooperation by the oil company; water usage; ground water; regulating earthquakes; injection wells; the United States Geological Survey; accidents that accompany fracking; hydrogen sulfide; the Air Quality Management District; she urged everyone to attend a Community Advisory Panel meeting; and she asserted that regulations would not protect the City, and that a moratorium was necessary.

Vice Mayor Sahli-Wells encouraged anyone who smelled odors or sees a car emitting significant pollution to call 1-800-CUT-SMOG.

Josetta Sbeglia spoke representing the Culver City Arts District; discussed growth of the district; other businesses in the arts district; she requested support from the City Council for a Summer Solstice Event on June 21; discussed Make Music L.A.; provided posters and postcards to the City; and noted that entertainment would be provided on private property.

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Receipt and Filing of Correspondence

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

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF RED BETTS.

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Joint Consent Calendar

Item JC-1

Cash Disbursements

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE CASH DISBURSEMENTS FOR FEBRUARY 15, 2014 - FEBRUARY 28, 2014.

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Consent Calendar

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE ITEMS C-2, C-3 (EXCLUDING THE NICKERSON COMPANY), C-4 AND C-5.

Item C-2
(Out of Order)

Approval of a Purchase and Sale Agreement with Asher Harel Regarding City-Owned Property Located at 10745 Cranks Road

THAT THE CITY COUNCIL:

1. APPROVE A PURCHASE AND SALE AGREEMENT TO SELL THE 10745 CRANKS ROAD PROPERTY TO ASHER HAREL IN THE AMOUNT OF \$900,000; AND,
2. AUTHORIZE THE CITY ATTORNEY'S OFFICE TO 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-3

Approval of Professional Services Agreements with APA Engineering, Inc., APD Consultants, Inc., CivilSource Inc., Dudek, Interwest Consulting Group, KOA Corporation, Project Partners, RTI Consulting, Inc., and The Nickerson Company for General Public Works Inspection Services

THAT THE CITY COUNCIL:

1. APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH APA ENGINEERING, INC., APD CONSULTANTS, INC., CIVILSOURCE INC., DUDEK, INTERWEST CONSULTING GROUP, KOA CORPORATION, PROJECT PARTNERS, AND RTI CONSULTING, INC., FOR GENERAL PUBLIC WORKS INSPECTION SERVICES IN AN AGGREGATE AMOUNT OF \$500,000 AND EXPIRING ON JUNE 30, 2017; 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

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Selmaraine Drive and in an Alley West of Sepulveda Boulevard and South of Slauson Avenue

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE; 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-5

Adoption of a Resolution Approving an Encroachment Agreement with Zayo Group for Use of the Public Rights-of-Way on Hannum Avenue and Bristol Parkway

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH ZAYO GROUP;
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)

Meeting Minutes

Councilmember Clarke referenced an article in California Cities about cities that are moving away from written, printed minutes.

Discussion ensued between staff and Councilmembers regarding the usefulness of printed meeting minutes and the need for further research and discussion of the matter.

MOVED BY VICE MAYOR SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF FEBRUARY 24, 2014.

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Item C-3
(Out of Sequence)

Approval of Professional Services Agreements with APA Engineering, Inc., APD Consultants, Inc., CivilSource Inc., Dudek, Interwest Consulting Group, KOA Corporation, Project

**Partners, RTI Consulting, Inc., and The Nickerson Company for
General Public Works Inspection Services**

Councilmember O'Leary discussed the RFP process.

Discussion ensued between Councilmembers and staff regarding the nature of the process and advantages of having multiple companies to choose from.

Councilmember Weissman recused himself from the item and exited the dais.

MOVED BY COUNCILMEMBER SAHLI-WELLS AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE NICKERSON COMPANY FOR GENERAL PUBLIC WORKS INSPECTION SERVICES IN AN AGGREGATE AMOUNT OF \$500,000 AND EXPIRING ON JUNE 30, 2017; 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.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Order of the Agenda

No changes were made.

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Joint Action Items

Item JA-1

**(1) Approval of Assignment of All Rights, Interests and
Obligations Related to Certain Parking Facilities from the
Successor Agency to the Culver City Redevelopment Agency to**

the City of Culver City; and, (2) Adoption by the Successor Agency of a Resolution Approving Revisions to the Long Range Property Management Plan Submitted to the State Department of Finance and Making a Finding that Assignment of Successor Agency Obligations to the City is Consistent with the Intentions of State Assembly Bill ABx1 26 as Amended by AB 1484

Glenn Heald, Management Analyst, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding direct costs to the City; compensation agreements; tax liabilities; benefits vs. costs; retention of the parking structures and lots; consideration of parking related issues; the disposition and development of projects that have been pending; the significance of the item; and the conditional approval.

Mayor Cooper invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson discussed the Walker Parking Study; kicking the can down the road; lost opportunities; taking advantage of the parking study; procrastination; and he asked the City to take advantage of opportunities.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ACCEPT ASSIGNMENT OF ALL OF THE SUCCESSOR AGENCY'S RIGHTS, TITLE, INTEREST, POWERS, PRIVILEGES AND OTHER INCIDENCES OF OWNERSHIP IN AND TO ALL DISPOSITION AND DEVELOPMENT AGREEMENT(S) AND PARKING AGREEMENTS ENCUMBERING THE SIX PARKING FACILITIES PROPOSED FOR RECLASSIFICATION AS "PROPERTIES TO BE RETAINED TO FULFILL ENFORCEABLE OBLIGATIONS" AS IDENTIFIED HEREIN, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO TAKE ALL NECESSARY, REASONABLE AND APPROPRIATE ACTIONS TO IMPLEMENT THE TRANSFER OF ASSETS AND OBLIGATIONS FROM THE SUCCESSOR AGENCY TO THE CITY, AND AUTHORIZE THE CITY CLERK TO EXECUTE CERTIFICATES OF ACCEPTANCE.

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Action Items

Item A-1

(1) Receipt and Filing of the Preliminary Fiber Network Design and Business Plan Framework, and (2) Discussion of Fiber Feasibility Plan Executive Summary and Direction to the City Manager as Deemed Appropriate

Michele Williams, Chief Information Officer, provided a presentation on the material of record.

Discussion ensued between staff and Councilmembers regarding engagement of the business community; reduced fees from ISPs if the City builds the infrastructure; incorporating the needs of schools into the plan; the timeframe; the service provider; Culver Studios; partnerships; and smaller businesses vs. Larger businesses.

Mayor Cooper invited public participation.

The following members of the audience addressed the City Council:

Cary Anderson asked that previous City Council approval of WiFi for the entire City be realized; he discussed cable internet; and serving residents and businesses.

Paul Ehrlich provided a broad overview of an email he had sent to Councilmembers with questions and comments; discussed the notification process for the meeting; concern with not getting a return on money invested in Phase 1 and 2; Phase 3 and 4; covering the entire City; timing of the bills; he suggested involving larger businesses; establishing a Board of Directors consisting of the City and IT experts at large businesses; discussed the potential contribution of larger businesses; lowering costs; Wilshire One; other co-locations; proximity; and looking at other models.

CCUSD Board Member Steve Levin discussed interest by the School District; working with the City on the schedule and the fiber optic network; a suggestion to work together earlier in the process; and Common Core.

Vice Mayor Sahli-Wells clarified that it was early in the process, and she questioned whether the School District would be willing to participate financially.

CCUSD Board Member Sue Robins discussed partnerships between the School District, the City and the business community; preparing youth for jobs in the City; and she asked that the School District be included in an earlier phase and considered in the planning.

Steven Rose, President/CEO of the Culver City Chamber of Commerce, indicated that the item was a result of economic development outreach in the City; discussed challenges to redevelop areas; the reason for targeting smaller businesses; buildings with multiple businesses; and creating "Silicon Hills."

Discussion ensued between staff and Councilmembers regarding support for further discussion with anyone interested in joining the enterprise; Common Core; openness of the process; the need of the community; the return on investment; involving the School District; building a system capable of growth; home businesses; the importance of providing service to libraries and City facilities; companies already providing fiber in the City; concern with potential price undercutting; different models; including public benefits in the economic analysis; marketing to attract new businesses; discerning demand and interest in the five target areas; the human component; next steps in the process; existing infrastructure; price estimates; providing service to target businesses vs. the entire City; the competitive arena; political implications; the break-even point; conservative estimates; indirect revenues; responsibility of the business owners to connect to the tap; cost sharing; monthly fees; operational aspects of the project; maintaining the network and running the business; the potential need for contracted assistance; and incumbent carriers.

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Item A-2

Discussion of Event Sponsorship Policy and Direction to the City Manager

Mayor Cooper invited public input.

The following members of the audience addressed the City Council:

Cary Anderson discussed differing rules for different events; violations; the Committee on Permits and Licenses; penalties for non-compliance; the involvement of the Mayor with a group that has violated the rules; and a request that rules and regulations be attached to the conditions of events.

Seth Horowitz, Culver Hotel, discussed confusion with receiving information on the item; questioned why a presentation had not been made; expressed concern with impacts to the downtown area; noted the importance of the item; discussed the proposed expansion of Town Plaza; and community, business and residential benefits of events taking place around the City.

Discussion ensued between staff and Councilmembers regarding holding the item to be included as part of the planned discussion on specific sponsorships for March 24, 2014 to allow time for the Downtown Business Association (DBA) and others to analyze the item.

Steven Rose, President and CEO of the Culver City Chamber of Commerce, suggested as part of application requirements that any organization requesting sponsorship provide their non-profit status from the Internal Revenue Service, a copy of their current liability insurance, a copy of their IRS filing, and their business license.

Eric Sims, Downtown Business Association (DBA), echoed the comments of Mr. Rose noting the importance of accountability and consideration of track record; he requested additional time to consider the report; he noted the importance of dialog with staff regarding pros and cons of events and impacts to business in the area; he requested that the downtown businesses be included as part of any plan involving programming events in the area; he asserted that the more that the DBA is involved in the events, the more successful events can be; and that DBA involvement be formalized in the discussion.

Councilmembers Weissman received clarification that the City did not limit sponsorships to non-profits.

The City Council agreed to defer the item for consideration on March 24, 2014.

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Item A-3

Adopt a Resolution approving a Joint Application with the City of Los Angeles and CicLAvia for Grant Funds through Los Angeles County Metropolitan Transportation Authority's Open Streets Program for the CicLAvia Culver City Event

Councilmember O'Leary recused himself from consideration of the item.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER WEISSMAN THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING A JOINT APPLICATION WITH THE CITY OF LOS ANGELES AND CICLAVIA FOR GRANT FUNDS THROUGH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY'S OPEN STREETS PROGRAM FOR THE CICLAVIA CULVER CITY EVENT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment - Items Not on the Agenda (Continued)

Mayor Cooper invited public comment.

No cards were received and no speakers came forward.

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Items from Councilmembers

Items from Vice Mayor Sahli-Wells

- Reported on her visit to Washington D.C. where she spoke at the National Bike Summit regarding Political Activity and Bike Advocacy; she discussed growing bike share programs; Capital Bike Share; and learning from existing programs

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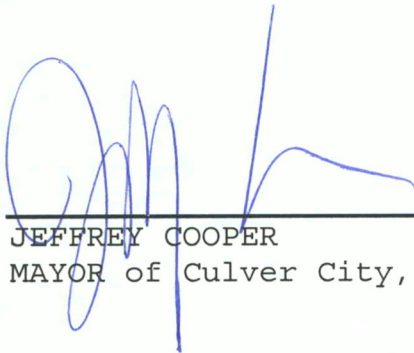
Adjournment

There being no further business, at 9:38 p.m., the City Council adjourned its meeting in memory of Red Betts to Monday, March 24, 2014 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