

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

March 11, 2013
6:30 p.m.

Call to Order & Roll Call

Mayor Weissman called the meeting of the City Council to order at 6:30 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 6:30 p.m., the City Council recessed to Closed Session to discuss the following item:

CS-1 Conference with Legal Counsel - Existing Litigation
Re: City of Culver City, et al. v. Ugo Pascarella, et al.
Case No. SC115351
Pursuant to Government Code Section 54956.9(a)

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Reconvene

The City Council reconvened its meeting at 7:05 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 Rich Kissel.

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Report on Action Taken in Closed Session

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Mayor Weissman indicated there was nothing to report from closed session.

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Presentations

Item P-1

Presentation of Commendations and Presentation of Funds Raised by the Friends of the Culver City Dog Park to the City

Vicki Daly Redholtz presented a check to the City in the amount of \$35,000 to help pay for the lights in the Culver City Dog Park, thanked the City Council and members of the Friend's Board, and she provided a presentation on the Dog Park.

Vice Mayor Cooper presented commendations to NantWorks and to Friends of the Culver City Dog Park.

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Community Announcements By City Council Members/Information Items From Staff

Martin Cole, Assistant City Manager/City Clerk, asked that the City Council adjourn to March 26, 2013 rather than the regularly scheduled date as March 25, 2013 is the first night of Passover.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF TIM HARRELL, FATHER OF CITY MANAGER'S OFFICE EMPLOYEE KATHLEEN HARRELL AND IN MEMORY OF WAYNE SCOTT, LONGTIME INSTRUCTOR AND ADMINISTRATOR AT CULVER HIGH.

Councilmember Sahli-Wells reported that on March 12 the Los Angeles County Board of Supervisors would be deciding whether to have the Clean Water Clean Beaches Measure assessment, and she announced the annual fundraiser for Friends of the Youth Health Center on March 16 at the Culver City DoubleTree by Hilton.

Mayor Weissman invited everyone to attend the Annual Mayor's

March 11, 2013

Lunch on April 10 at the DoubleTree, sponsored by the Chamber of Commerce.

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This item was taken out of sequence.

Receipt and Filing of Correspondence

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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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:

Fred Yglesias discussed the anniversary of the first around the world trip in an airplane by the United States Army.

Michael Laase, Friends of the Culver City Library, discussed a planned facelift of the Julian Dixon Library in advance of the 100th anniversary in 2015, and she announced a fundraiser at Menchie's Yogurt on Sawtelle from March 17-19.

Rich Waters thanked Councilmember O'Leary for helping get two ficus trees removed on his street; he expressed frustration with the length of the process and with the process itself; and he discussed the Street Tree Master Plan.

Discussion ensued between Councilmember Sahli-Wells and Mr. Waters regarding the Street Tree Master Plan; efforts to save the trees; actions taken by the City; concern with delays and the chance of further infection; and the opinion of the arborists.

Councilmember O'Leary announced that significant construction would be done on the Sepulveda bridge from March 13-29 and he encouraged people to visit buildexpo.org to see how commutes could be impacted.

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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 COUNCILMEMBER
O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE
CASH DISBURSEMENTS FOR FEBRUARY 16, 2013 - MARCH 1, 2013.

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Consent Calendar

Item C-1

**Approval of an Amendment to the Existing Professional Services
Agreement with VCA Code Group for Building Inspection Services**

Councilmember O'Leary asked about the building inspection
fiscal analysis, the budget amendment, and fiscal benefits to
the City.

Sol Blumenfeld, Community Development Director, discussed the
report of the Chief Financial Officer on budget amendments; the
commercial and industrial tax and increase in revenues;
appropriate plan checks and inspection activity; increases in
commercial and industrial permitting; increased business
activity that needs to be addressed; and contractual services
to meet the demand.

Discussion ensued between staff and Councilmembers regarding
efforts to expedite the process and address building inspection
needs to help businesses open sooner; clarification that costs
would be more than made up in fees and revenues; and
corrections to typos in Exhibit C.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES
AGREEMENT WITH VCA CODE GROUP FOR AS-NEEDED BUILDING INSPECTION
SERVICES IN AN ADDITIONAL AMOUNT NOT-TO-EXCEED \$35,000 FOR A
TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$65,000; AND,

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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

Approval of an Agreement with J & G Sweeping and Maintenance to Provide Cleaning Services in Downtown Parking Structures

Councilmember O'Leary indicated that he had received clarification that water used to clean the parking structures would be recaptured and reused.

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH J & G SWEEPING AND MAINTENANCE TO PROVIDE CLEANING AND MAINTENANCE SERVICES IN THE THREE DOWNTOWN PARKING STRUCTURES; 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-3

Adoption of a Resolution Authorizing Submittal of Application(s) for all CalRecycle Grants for which the City of Culver City is Eligible, Including, the Household Hazardous Waste Discretionary Grant Program

Councilmember O'Leary received clarification that generally interest was not recouped for reimbursable grants from money that is set aside, and that the amount was negligible.

Vice Mayor Cooper thanked Ms. Vargas and Mr. Skinner for finding the grant.

THAT THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY

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OF CULVER CITY IS ELIGIBLE, INCLUDING, THE HOUSEHOLD HAZARDOUS WASTE DISCRETIONARY GRANT PROGRAM.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-3.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Introduction of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal, Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, and Table 2-11 to Add "Food Retail" To the List of Permitted Uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to Establish Parking Requirements for "Food Retail"; and Section 17.700.010 to Add a Definition for "Food Retail" (Zoning Code Amendment, ZCA P-201170)

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

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF MAILING AND POSTING OF PUBLIC NOTICE.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Discussion ensued between staff and Councilmembers regarding the parking ordinance; takeout uses; the food retail definition; wine bars; origin of the changes; changes to the parking ordinance in 2010; transition of uses to retail; impacts to existing food retail shops; new established uses; legal non-conforming; change of use; and clarification regarding square footage listed on page 234.

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Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Rich Waters questioned whether Culver City should become a city full of places serving snack food given obesity issues in America.

Martin Cole, Assistant City Manager/City Clerk, read a written comment submitted by

Kevin Lachoff

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Councilmembers regarding clarification that the City is not trying to encourage snack uses but rather to address their existence; addressing obesity issues; neighborhood serving shops; bicycle parking requirements; responding to the needs of those who are driving, walking and biking to the locations; zoning requirements; dissonance between the zoning ordinance and the Bicycle Master Plan; bicycle parking requirements; current zoning ordinance requirements; increasing bicycle parking; and consensus of the City Council that the Planning Commission look at a text amendment to bring the zoning ordinance and the Bicycle Master Plan into agreement.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE, SECTION 17.220.0015, TABLE 2-5; SECTION 17.230.015, TABLE 2-8; SECTION 17.260.035, AND TABLE 2-11 TO ADD "FOOD RETAIL" TO THE LIST OF PERMITTED USES IN THE COMMERCIAL AND INDUSTRIAL ZONES; SECTION 17.320.020.H, TABLE 3-3B TO ESTABLISH PARKING REQUIREMENTS FOR "FOOD RETAIL"; AND SECTION 17.700.010 TO ADD A DEFINITION FOR "FOOD RETAIL" (ZONING CODE AMENDMENT, ZCA P-201170).

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Item PH-2

Introduction of an Ordinance Amending Title 17, Zoning, of the

Culver City Municipal Code, Section 17.400.100 - Residential Uses - Accessory Residential Structures and Section 17.610.020 - Nonconforming Structures (Zoning Code Amendment ZCA P-2011100)

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF MAILING AND POSTING OF PUBLIC NOTICE.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Thomas Gorham, Planning Manager, provided a summary of the material of record.

Discussion ensued between Councilmembers and staff regarding notification to abutting property owners; clarification regarding legal non-conforming; plans already in process; new submittals after the ordinance is adopted; the definition of wet bar and kitchen; concerns of the Planning Commission; distinguishing features of second units; concerns that a wet bar could morph into a kitchen; turning accessory structures into second units; code enforcement issues; compliance; whether there has been an increase in plan checks since the issue came up in 2011; complaints regarding accessory structures; additions to accessory structures; initiation of the text amendment; unintended consequences of the current zoning restrictions; timing of resident notification; discretionary action; building plan submittal; courtesy notice; concern with providing false hope to neighbors that they can stop the construction; allowing opportunity to plan for the inconvenience of the construction; and making contact information available to the neighbors in the notice and on the worksite.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Lyndon Stambler discussed location filming; the addition built by his neighbors; zoning ordinances that should have stopped that structure; R-1 zoning; he expressed hope that the City Council would prevent this from happening to anyone else; he discussed notice by builders; the notification period; increased parking requirements; and preserving the Carlson Park

neighborhood.

Discussion ensued between Councilmembers and staff regarding timing of noticing and what would be included in the notice; caveats and clarifications in the notice; and a suggestion that the appropriate time to give notice is when the application is filed with the building department.

Tom Camarella discussed the courtesy notice; mistakes made by the building department; concern that he is stuck with a huge structure 23 inches from his property line; making sure that projects are done correctly; noticing requirements; he received clarification that a wet bar was not allowed in the current changes; he questioned why a three-quarter bath was allowed rather than a half bath; he discussed height restrictions; concern that if a structure is infested with termites it can be replaced with a larger structure; the total volume; measuring from the foundation; he expressed concern with patchwork zoning and felt that an overhaul of the system was needed; he discussed costs to the City; and willingness of professionals in the community to help.

Discussion ensued between Mr. Camarella and Councilmembers regarding legal non-conforming structures; catastrophic events; and termites.

Sol Blumenfeld, Community Development Director, agreed to make additional information available to the speaker and to City Councilmembers noting that staff had spent a lot of time addressing the issues.

Eleanor Osgood echoed previous comments made; expressed concern that the same things keep happening; she discussed zoning; neighborhood design guidelines; the General Plan; piecemeal zoning; public notification; and she questioned why one property owner gets to build their dream house at the expense of their neighbors.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Councilmember Sahli-Wells received clarification regarding the definition of a three-quarter bath.

Sol Blumenfeld, Community Development Director, discussed public notice; bathroom allowances; wet bars; the height of the

structure; legal non-conforming buildings; a disconnect between building and planning; catastrophic issues; the measurement of building height; the zoning ordinance; and volume vs. square footage.

Discussion ensued between Councilmembers and staff regarding support for the changes as a way to address concerns; the costs and frequency of General Plan updates; amendments to the Housing Element; planning efforts; detailed TOD planning; multi-family guidelines; neighborhood consistency issues; dealing with issues through text amendments; the previous zoning ordinance update; notice of construction; being a good neighbor; addressing neighbor concerns; balancing homeowner rights while protecting neighbor rights; non-conforming setbacks; property lines; Neighborhood Design Guidelines; staff discretion; protocol; tips from the public; corrective ordinance changes; corrections to the text of the amendment; clarification that the code refers to legal non-conforming structures; force majeure; consistency; amending existing provisions; clarifying causes for replacement; whether the structure has to be replaced according to current code; missteps at the time of permit issuance; administrative language; legal terms; clarity of language; and reports that residents do not read notifications due to complicated language.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE, SECTION 17.400.100 - RESIDENTIAL USES - ACCESSORY RESIDENTIAL STRUCTURES AND SECTION 17.610.020 - NONCONFORMING STRUCTURES (ZONING CODE AMENDMENT ZCA P-2011100).

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Action Items

Item A-1

Introduction of an Ordinance Amending Chapter 15.06, New Development Fees, of the Culver City Municipal Code, by Repealing and Replacing Sections 15.06.100 through 15.06.175 with New Sections 15.06.100 through 15.06.180, Relating to the Art in Public Places Program

Christine Byers, Public Art and Historic Preservation Coordinator, provided a summary of the material of record.

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Michelle Bernardin expressed support for the item and she asked that the Historic Preservation ordinance be updated as well.

In response to concerns raised by Mayor Weissman, Carol Schwab, City Attorney, cautioned Cultural Affairs Commissioners present not to speak in a way that could create dialogue or to make overlapping comments that could be construed to be building consensus.

Marla Koosed expressed support for the item and indicated that she was available to answer questions.

Regina Klein expressed support for comments made by Michelle Bernardin and questioned whether an assessment or plan had been made for historic structures.

Discussion ensued between staff and Councilmembers regarding implementation and enforcement; cuts to the department; in lieu fees to the Art Fund; changing the name to the Cultural Trust Fund; art commissions on private property; streamlining the process; general review and approval processes; the allowable percentage from the fund to be used for maintenance and for administration; staffing costs; use of consultants; administration of the ordinance going forward; the Historic Preservation Ordinance; the upcoming centennial; a request for background information on the previous attempt to update the Historic Preservation Ordinance; defining administrative expenses; enforcement of required maintenance; the existing program allocation; practices of other area cities; updating the art fee; the Ehrlich Case; implications to the competitiveness of development projects; a suggestion that if conditions improve, a fee increase could be warranted; keeping the proportions of how money can be spent the same; clarification that findings would have to be made in order to increase the fee; the primary purpose of the fund; the demise of redevelopment; the preservation component; art as an economic engine; affects to property values and businesses in the City; and an instance when the Streets Maintenance Department removed a piece of temporary art in error.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER

O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:
INTRODUCE AN ORDINANCE AMENDING CHAPTER 15.06, NEW DEVELOPMENT
FEES, OF THE CULVER CITY MUNICIPAL CODE, BY REPEALING AND
REPLACING SECTIONS 15.06.100 THROUGH 15.06.175 WITH NEW
SECTIONS 15.06.100 THROUGH 15.06.180, RELATING TO THE ART IN
PUBLIC PLACES PROGRAM.

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Item A-2

**(1) Receipt and Filing of the Fiscal Year 2012/2013 Mid-Year
General Fund Budget Monitoring Report, and (2) Approval of
Proposed Budget Amendments**

Jeff Muir, Chief Financial Officer, provided a summary of the
material of record.

Discussion ensued between staff and Councilmembers regarding
lost revenues vs. transferred revenues; Measure Y; adjustments;
timing; a request that the report be shared with the Finance
Advisory Committee; the Public Safety Sales Tax; creating a
sustainable City and the potential decrease to utility user tax
revenues; emergency reserves; retirement obligations;
infrastructure improvements; proposed adjustments; the
Transient Occupancy Tax; appreciation to staff for their hard
work; the need for a capital improvement projects discussion;
the City of Los Angeles; and rate assumptions.

Mayor Weissman invited public comment.

The following member of the audience addressed the City
Council:

Michel Chaghouri questioned the difference in the one-time sale
figures between 2012-2013 and 2013-2014.

Jeff Muir, Chief Financial Officer, clarified that the 2013-
2014 figures were based on further discussions with realtors
and seemed more realistic.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER
SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

(1) RECEIVE AND FILE THE FISCAL 2012/2013 MID-YEAR GENERAL FUND
REPORT AS PROVIDED IN ATTACHMENT 1; AND

(2) APPROVE THE BUDGET AMENDMENTS AS PROPOSED IN ATTACHMENT 2.

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Joint Public Comment - Items Not on the Agenda

Mayor Weissman invited public comment.

The following member of the audience addressed the City Council:

Christopher Patrick King, Culver City Rotary Club, invited everyone to the Follow the Yellow Brick Road Service and Friendship event on March 14 honoring Community Heroes Mike Cohen and the Culver City Education Foundation.

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Items from Staff

Martin Cole, Assistant City Manager/City Clerk, reminded everyone that the next City Council meeting would be on March 26, 2013.

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Items from the City Council

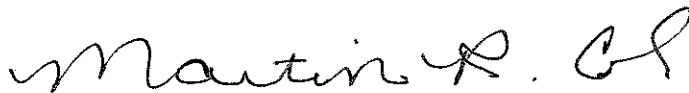
None.

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Adjournment

There being no further business, at 10:28 p.m., the City Council adjourned its meeting in memory of Tim Harrell, father of City Manager's Office employee Kathleen Harrell, and long-time Culver High instructor and administrator, Wayne Scott, to a meeting on Tuesday, March 26, 2013 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
Culver City, California



ANDREW WEISSMAN
MAYOR of the City of Culver City, California