

THESE MINUTES ARE NOT OFFICIAL  
UNTIL APPROVED BY THE  
CITY COUNCIL

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

September 24, 2012  
6:00 p.m.

**Call to Order & Roll Call**

The meeting of the City Council was called to order at 6:00 p.m.

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

**o0o**

**Closed Session**

At 6:00 p.m., the City Council recessed to Closed Session to discuss the following items:

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

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

**CS-3** Conference with Real Property Negotiators  
Re: 10808 Culver Boulevard (Former Armory Site)  
City Negotiators: City Manager John Nachbar, Assistant City Manager Martin Cole  
Other Parties' Negotiators: The Wende Museum  
Under Negotiation: Both Terms and Price  
Pursuant to Government Code Section 54956.8

**o0o**

## **Reconvene**

The City Council reconvened its meeting at 7:16 p.m. with all Councilmembers present.

o0o

## **Invocation/Pledge of Allegiance**

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by David VonCannon.

o0o

## **Report on Action Taken in Closed Session**

Mayor Weissman indicated there was nothing to report from closed session and that he had to recuse himself from one item.

o0o

## **Community Announcements By City Council Members/Information Items From Staff**

Elena Sweda Neff, Culver City Representative for the Los Angeles County West Vector Control Board, provided an update on the West Nile Virus; thanked staff and Councilmembers for their efforts; discussed standing water in storm drains; and noted that weekly updates were available.

Bob Saviskas, Executive Director of the Los Angeles County West Vector Control District, reported that an asymptomatic blood donor had tested positive for West Nile virus; discussed the infection of crows; the number of infected birds; preventative measures; service requests; website updates; and treatment options.

Discussion ensued between Councilmembers and the speaker regarding clarification that mosquito fish are available at no cost to residents; improvements in the number of cases in the area; reminders to use insect repellent during night time hours; clarification that the insects are genetically programmed to bite at dawn and dusk, incidences are waning, and mosquito breeding areas are often man-made; key indicators; the importance of taking proper precautions to eliminate the

environment that encourages breeding; symptoms; and he provided contact information for those wishing to learn more.

Mayor Weissman announced the IndieCade Festival on October 6-7 in downtown Culver City.

Councilmember Sahli-Wells thanked volunteers who participated in California Coastal Clean-Up Day on September 15 and she discussed participation by the Public Works Department; she announced a community meeting on the Culver City Green Space Plan on September 27 in the Garden Room at Veterans Auditorium; she indicated that she would be participating in the Hollywood for Habitat for Humanity Build-a-thon at Sony Studios; and she announced a tentative date for the Affordable Housing Summit on November 17.

Councilmember Clarke reported attending the employee appreciation picnic, the Culver City Historical Society event at the Culver Hotel, and the Police Department Open House.

Martin Cole, Assistant City Manager/City Clerk, discussed the schedule of City Council meetings for the balance of the year and requested City Council concurrence in meeting on October 1, October 8, October 22, November 12, and December 10. No objection was raised.

Mayor Weissman reported that WiFi and Time Warner were not currently working in Council Chambers.

ooo

### **Joint Public Comment - Items Not on the Agenda**

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

JJ Hoffman, Los Angeles County Bicycle Coalition, discussed their mission; indicated that they wanted to hold the second Tour de Taste fundraiser on December 2; she hoped for additional support from downtown businesses; and she requested help with keeping costs down.

Discussion ensued between Councilmembers and the speaker regarding submitting the request in writing to staff and a suggestion to invite Culver City businesses to CycLAvia to

help them understand how the event would be a benefit to them.

David VonCannon reported that the Tellefson community would be holding a community meeting on October 2 at the King Fahad Mosque to discuss Measure Y, and he provided an update on Tilden Terrace.

Cary Anderson reported a dead bird outside the Fire Department; he noted that birds that die on the weekend are not tested for West Nile virus; he reported numerous instances of violations of Condition 92 in the conditions of approval for the 4043 Irving Place project; and he requested enforcement of the condition.

Leslie Adler, Culver City Education Foundation, discussed the All for One campaign.

Joshua Brindle, the Coalition for Smoke Free Living in Culver City, reported assessing the status of tobacco control policy in the City; discussed work with the American Lung Association; resident concerns; multi-unit housing; the extent of public support; policies of other cities; information distributed to Councilmembers; and the multi-unit matrix.

Angela de Dios, Coalition for Smoke Free Living, discussed her experiences with second-hand smoke and she asked that the City Council support the Coalition for Smoke Free Living in Culver City as she felt residents had the right to breathe smoke-free air in their own homes.

Trevor Yang, Coalition for Smoke Free Living, discussed the campaign to regulate second hand smoke in multi-unit housing; his experiences with second hand smoke in his apartment; and he asked that the City support the coalition.

Sherwood Kingsley, the Coalition for Smoke Free Living in Culver City; asked that the City Council pass an ordinance to prohibit smoking in multi-unit dwellings in Culver City; he noted that second hand smoke travels easily to different units and there is no safe level of exposure; he discussed tobacco smoke residue on walls and ceilings; and he indicated that the ordinance would benefit residents.

o0o

### **Receipt and Filing of Correspondence**

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

Mayor Weissman received clarification that Action Items A-2 and A-5 would be postponed to a future meeting, and he encouraged anyone interested in receiving notice on when the items would be coming back to leave information with Management Analyst Jeremy Green.

o0o

### **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 SEPTEMBER 1, 2012 - SEPTEMBER 14, 2012.

o0o

#### Item JC-2

#### **JOINT CITY COUNCIL/SUCCESSOR AGENCY BOARD AGENDA ITEM: Adoption of Respective Resolutions Authorizing the Processing of Documentation Reflecting the Successor Agency's Ownership of Former Culver City Redevelopment Agency Owned Real Property**

Murray Kane, City Special Counsel, noted that the second paragraph of discussion indicated that decisions of the Department of Finance are final assuming that they comply with applicable law and are also subject to judicial review.

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

1. ADOPT A RESOLUTION AUTHORIZING THE PROCESSING OF DOCUMENTATION REFLECTING OWNERSHIP OF REAL PROPERTY BY THE SUCCESSOR AGENCY; AND
2. AUTHORIZE THE CITY ATTORNEY AND CITY SPECIAL COUNSEL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

o0o

### **Consent Calendar**

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-5.

#### Item C-1

### **Approval of a Real and Personal Property Transfer Agreement, Bill of Sale, and Termination of Lease Agreement with Time Warner Cable Related to the Antenna Tower and Appurtenances Located in Culver City Park**

THAT THE CITY COUNCIL:

1. APPROVE A REAL AND PERSONAL PROPERTY TRANSFER AGREEMENT, BILL OF SALE, AND TERMINATION OF LEASE 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 SUCH DOCUMENTS ON BEHALF OF THE CITY.

o0o

#### Item C-2

### **Award of a Construction Contract to Icon West Inc., as the Lowest Responsive and Responsible Bidder, for the Construction of the Transfer Station Wall Repair Project, P-948**

THAT THE CITY COUNCIL:

1. AWARD A CONSTRUCTION CONTRACT TO ICON WEST, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF \$71,740 FOR THE TRANSFER STATION WALL REPAIR PROJECT, P-948; AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS FOR A NOT-TO-EXCEED AMOUNT OF \$15,000; 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.

o0o

Item C-3

**Approval of a License Agreement with Willy Bietak Productions for the Use of Parcel B for an Ice Skating Rink at 9300 Culver Boulevard (Parcel B)**

THAT THE CITY COUNCIL:

1. APPROVE A LICENSE AGREEMENT WITH WILLY BIETAK PRODUCTIONS INC. TO OPERATE AN ICE SKATING RINK AT PARCEL B; 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.

o0o

Item C-4

**Adoption of an Ordinance Amending Section 17.230.015, Table 2-8 and Section 17.610.010 of the Culver City Zoning Code to Allow for the Expansion of Existing Private Schools Located in the Industrial General (IG) Zone, Subject to Approval of a Modification to an Existing Conditional Use Permit (Zoning Code Amendment ZCA P-2011154)**

THAT THE CITY COUNCIL: ADOPT THE PROPOSED ORDINANCE AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE, SECTION 17.230.015, TABLE 2-8 (ALLOWED USES AND PERMIT REQUIREMENTS) AND SECTION 17.610.010 (NONCONFORMING USES), TO ALLOW FOR THE MODIFICATION AND/OR EXPANSION OF NONCONFORMING PRIVATE SCHOOL USES IN THE INDUSTRIAL GENERAL ZONE SUBJECT TO APPROVAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT (ZONING CODE AMENDMENT ZCA P-2011154).

o0o

Item C-5

**Adoption of a Resolution Approving an Amendment to the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement**

THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING AN AMENDMENT TO THE LOS ANGELES INTERAGENCY METROPOLITAN POLICE APPREHENSION CRIME TASK FORCE JOINT POWERS AGREEMENT.

o0o

**Order of the Agenda**

No changes were made.

o0o

**Action Items**

Item A-1

**Consideration of Whether to Place an Item on a Future City Council Meeting Agenda Related to a Request for a Fee Waiver for a Contemplated Variance Application by Mr. David Baker, Property Owner of 4272 Jackson Avenue**

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record noting that the question to consider is whether the City Council would like to hear a full discussion of the fee waiver request.

Discussion ensued between staff and Councilmembers regarding the way the fee is calculated; studying the applicability of the current fee; clarification that



variances are highly uncommon; the complexity and staff intensiveness of variance applications; initiating a study to review variance fees; whether a different class of fee is warranted for a single family residence; the original fee study; costs for staff time; actual costs; additional construction after purchase; whether the variance fee is accurate; basing the fee strictly on estimated staff hours; difficulty of coming up with an accurate estimate; having a fee structure that encourages compliance; and fee waiver vs. fee reduction.

The City Council directed the City Manager to cause a study to be made of whether a separate category of variance fees for cases similar to the subject of this evening's discussion was warranted and to return a report to the City Council at a future City Council meeting on this subject.

o0o

Item A-2

**Consideration of the Installation of Shared Lane Markings ("Sharrows") in the Sepulveda AIP Along Sepulveda Boulevard from Culver Boulevard to the City-limit Line South of Franklin Avenue**

John Nachbar, City Manager, requested that the item be postponed to a future meeting to allow time to expand notice requirements. The City Council concurred with the request and took no action on this item at this time.

o0o

Item A-3

**Consideration of a Pending Vacancy on the Cultural Affairs Commission and Direction to the City Manager Related Thereto**

Jeremy Green, Management Analyst, provided a summary of the material of record.

Discussion ensued between Councilmembers and staff regarding confirmation that options presented are legal; appreciation to Commissioner Musicant for her service; the importance of the arts in the community; confirmation that the remaining candidates from last June are still interested.

The City Council concurred to bring back the two applicants from June for consideration at a future City Council Meeting.

o0o

Item A-4

**Adoption of a Resolution Adding a Civil Penalty for the Misuse of Disabled Placard Parking Citation under California Vehicle Code Section 22511.56 to the City's Civil Penalty Bail Schedule for Parking Violations; and Rescinding Resolution 2010-R083**

Dave Tankenson, Police Captain, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding the current parking enforcement situation; what enforcement efforts would be made; clarification that the resolution allows parking enforcement and community service officers to take action and issue a citation without having to call in a sworn officer from the field; what portion of the fine goes to the City; maximum fines for misdemeanors; the League of California Cities' pursuit of accurate recovery costs; fines adjusted by judges; the portion of the monies allocated to cities; and criteria to determine the violation.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION ADDING A CIVIL PENALTY FOR THE MISUSE OF A DISABLED PLACARD PARKING CITATION UNDER CALIFORNIA VEHICLE CODE SECTION 22511.56 TO THE CITY'S CIVIL PENALTY BAIL SCHEDULE FOR PARKING VIOLATIONS, AND RESCINDING RESOLUTION 2010-R083.

o0o

Item A-5

**(1) Introduction of an Ordinance to Amend Culver City Municipal Code Section 7.03.525 Regarding the Prohibition of Parking at Expired or Inoperable Parking Meters, and (2) Approval of the Use of Adhesive Stickers on City Parking Meters to Give Notice That Parking at an Inoperable Meter is Prohibited**

John Nachbar, City Manager, requested that the item be postponed to a future meeting to allow time for the Police Department to conduct additional review and analysis.

The City Council concurred with the request and took no action on this item at this time.

o0o

Item A-6

**Introduction of an Ordinance Adding a Subchapter Entitled "Very High Fire Hazard Severity Zone" to Chapter 9.02 of Title 9 of the Culver City Municipal Code to Designate Certain Properties in the Culver Crest Area a Very High Fire Hazard Severity Zone Based on the California Department of Forestry and Fire Protection's Recommendations**

Mike Bowden, Culver City Fire Marshal, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding CalFire criteria to determine Fire Hazard Severity Zones; what constitutes fuel; topography; impacts to property owners; whether the designation has anything to do with the nearby oil drilling operations; costs to the property owner; clarification that the action is a state mandate; insurance costs; average costs to homeowners to clear brush; and brush clearance for wells.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE ADDING A SUBCHAPTER ENTITLED VERY HIGH FIRE HAZARD SEVERITY ZONES TO CHAPTER 9.02 OF TITLE 9 OF THE CULVER CITY MUNICIPAL CODE, TO DESIGNATE CERTAIN PROPERTIES IN THE CULVER CREST AREA A VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) BASED ON THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S RECOMMENDATIONS, AND WAIVE FURTHER READING.

o0o

**Public Comment for Items NOT On the Agenda (Continued)**

Mayor Weissman invited public input.

There was no response.

ooo

## **Items from the City Council**

### **Items from Councilmember Sahli-Wells**

- Noted previous requests for City Council support for Ballot Initiative 37 and asked about City Council policy regarding support for ballot measures with local concerns

Discussion ensued between staff and Councilmembers regarding support for discussion of measures with City impacts; policy regarding legislative agenda; past practices; and City Council discretion.

The City Council concurred and directed the City Manager to place a general policy discussion on a future City Council agenda for full discussion by the City Council prior to the November 5, 2012 election.

- Discussed the Coalition for Smoke Free Living and requested an agendaized discussion on creating policy for an ordinance for multi-family housing

Discussion ensued between staff and Councilmembers regarding whether there is an existing subcommittee to vet the issues before the item comes to the City Council; information provided by the Coalition; actions by previous City Councils.

The City Council agreed that staff provide additional information on this subject and the City Council could direct the City Manager at a future City Council meeting to place the issue on a future agenda after having reviewed the materials.

### **Items from Vice Mayor Cooper**

- Discussed the possibility of naming a City building after Albert and Ursula Vera; reported on conversations with the Vera family; and requested agendizing a discussion of renaming Bush Way to Vera Way

A discussion ensued between staff and Councilmembers regarding the City policy for naming.

The City Council concurred to consider this item at a future City Council meeting in accordance with existing City Council policy on the subject.

#### **Items from Councilmember Clarke**

- Asked about the scheduled meeting for the Committee on Homelessness

**o0o**

#### **Adjournment**

There being no further business, at 9:08 p.m., the City Council adjourned its meeting to a meeting on Monday, October 1, 2012 at 7:00 p.m.

**o0o**

---

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

September 24, 2012

---

ANDREW WEISSMAN

MAYOR of the City of Culver City, California