

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

October 11, 2010
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: Christopher Armenta, Mayor
Micheál O'Leary, Vice Mayor
Jeffrey Cooper, Councilmember
D. Scott Malsin, Councilmember
Andrew Weissman, Councilmember

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Closed Session

The City Council will adjourn to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel - Existing Litigation
Re: Dimitri Keyes v. Culver City et al.
LASC case no. BC409816
Pursuant to Government Code Section 54956.9(a)

CS-2 Conference with Real Property Negotiators
Re: 4130 Overland Avenue (Culver Courthouse)
City Negotiator: John M. Nachbar, City Manager; Martin R. Cole,
Assistant City Manager
Other Parties' Negotiators: Mayme A. Clayton Library and Museum
Under Negotiation: Both Terms and Price
Pursuant to Government Code Section 54956.8

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Recess

The City Council recessed to Closed Session at 6:00 p.m.

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October 11, 2010

Reconvene

The City Council reconvened its meeting at 7:18 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 Bill Wynn.

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Closed Session Report

Mayor Armenta indicated nothing to report out of closed session for the City Council.

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Public Comment - Items Not on the Agenda

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Meghan Sahli Wells reported on the success of "International Walk to School Day" on October 6, 2010; discussed a community think tank hosted by Transition Culver City on the plastic bag dilemma on October 10, 2010; and she asked for Council support to agendize discussion on a municipal ban on plastic bags.

Mayor Armenta expressed willingness to have a discussion.

Councilmember Malsin suggested waiting to see what the Westside Cities Council of Governments comes up with as they are considering the issue on a regional level which might be more productive.

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Public Comment
(continued)

Katherine Maxwell presented a copy of her ten-minute film on the history of Culver City to the City Council noting that it had received the Girl Scout Gold Award, and she invited everyone to the 8th Annual Culver City Carnival for Children with Disabilities on October 24, 2010.

Terry Moretti, Vice President, GMT Studios, thanked staff and encouraged the City to be more production friendly and bring additional production into the City.

Bill Wynn congratulated the City on IndieCade and invited everyone to a meeting of the Democratic Club on October 13, 2010 in the Rotunda Room at the Veterans Memorial Auditorium; and a screening of the documentary, "The End of Poverty" on October 16, 2010.

David Hauptman reported that trees were dying in the area and asked the City to be proactive to address the issue.

Charles Herbertson, Public Works Director/City Engineer, informed the City Council that two registered arborists are on staff, one with experience with diseased trees; he noted that staff was investigating the matter and working to create a plan with steps to help as many trees survive as possible; he reported that a relatively new disease was attacking ficus trees in the area; and he indicated that staff would present a plan to address the issues within a month.

Rich Waters provided a presentation on tree issues in the City, noting that trees had allegedly been declining since they were cut back in the spring; he emphasized the importance of addressing the issue immediately; and he discussed the importance and value of trees.

Discussion ensued between Councilmembers regarding the urgency of the matter; the perception that the City is not taking the matter seriously; assurances that staff is working very hard and as quickly as they can to address the issue; and a suggestion to discuss a long-range plan to deal with aging street trees.

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Public Comment
(continued)

Michael Monagan discussed issues with parking and suggested that the City request business owners to instruct their employees and patrons to park on Washington Boulevard.

Discussion ensued between the City Council and staff regarding the feasibility of a letter on the issue; reminding the businesses to park on Washington Boulevard as a first choice; an agenda item to discuss parking issues in East Culver City and long term plans on the issue; amending workplans to include a strategy for parking relief in East Culver City; the City-wide street parking study; creating more parking in the area to keep business parking out of the neighborhood; acquiring more parking in the area; reminding all areas of the City that parking on the commercial corridors is preferable; putting reminders in with the business tax renewals and the impact of sending a separate letter; and consensus to send a separate letter to the businesses on Washington Boulevard between National Boulevard and La Cienega Boulevard in addition to the general notice included with the business license renewal.

Andre Doumitt suggested that the effects of permit parking be examined and he supported encouraging local businesses to ask employees to park in their own lots or on the Washington Boulevard corridor.

Cary Anderson suggested planting fruitless mulberry trees in place of the ficus trees that die; and he listed streets in the City with broken streetlights, asking that they be repaired by Halloween.

Christie Gaynor thanked the City Council for looking into parking issues in the neighborhood caused by businesses on Washington Boulevard.

Alice Prasad, Associate Analyst, read written comments submitted by:

Richard Rownak

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Consent Calendar

Martin Cole, Assistant City Manager/City Clerk, noted that the attachment for Item C-4 had been placed on the dais and the amount of the contract was \$300 more than stated in the motion.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-2, C-3, AND C-4 AS CORRECTED.

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR SEPTEMBER 18, 2010 - OCTOBER 1, 2010.

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Item C-3

(1) Acceptance of Work Performed by Ace Electric, Inc.; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period for the Bill Botts Field Lighting Project, P-869.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, ACE ELECTRIC, INC. FOR THE WORK PERFORMED ON THE BILL BOTTS FIELD LIGHTING PROJECT, P-869; AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE FOR RECORDATION; AND,
3. AUTHORIZE THE RELEASE OF \$27,709.80 IN RETENTION FUNDS TO ACE ELECTRIC, INC. FOLLOWING THE EXPIRATION OF THE THIRTY-FIVE DAY LIEN PERIOD.

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Item C-4

Approval of a Professional Services Agreement with Psomas for the Preparation of a Project Study Report Equivalent (PSRE) and the Los Angeles County Metropolitan Transportation Authority (MTA) Call for Projects Application for the Duquesne Avenue Operations Study Project, P-913.

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PSOMAS FOR A NOT-TO-EXCEED CONTRACT AMOUNT OF \$69,900.00 FOR THE DUQUESNE AVENUE OPERATIONS STUDY, P-913; AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS TOTALING A NOT-TO-EXCEED AMOUNT OF \$10,000.00, IF NECESSARY; 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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October 11, 2010

The following Consent Calendar item was discussed and voted on separately:

Item C-1

Meeting Minutes

The following member of the audience addressed the City Council:

Cary Anderson asserted that the minutes of September 13, 2010 did not state the fact that there was no notification for that City Council meeting; he stated that if someone were to follow a paper trail they would be under the impression that Item J-2 was publicly notified when it was not; he asked that the minutes be amended to indicate that the September 13, 2010 City Council meeting was not publicly noticed due to a glitch in the City's email system; and he reported that Martin Cole, Assistant City Manager had indicated to him and Meghan Sahli Wells that she was not bumped off the list, rather no one was notified of the September 13, 2010 City Council meeting.

Mayor Armenta clarified that the City Council minutes are not actual transcripts but rather a summary of what happened during the evening but he agreed to include an excerpt of Cary Anderson's specific comments.

Martin Cole, Assistant City Manager/City Clerk, clarified that the City had complied with the legal requirement of posting the agenda 72 hours before the September 13, 2010 meeting.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 13, 2010 WITH CARY ANDERSON'S STATEMENT INCLUDED SUBJECT TO REVIEW AND APPROVAL BY THE CITY CLERK'S OFFICE.

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Action Items

Item A-1

Introduction of an Ordinance Adding Section 3.01.010 to Chapter 3.01 and Amending Chapter 3.09 of the Culver City Municipal Code Regarding Disaster Council and Emergency Organization; Introduction of an Ordinance Adding Sections 3.09.200 Through 3.09.215 to Chapter 3.09 of the Culver City Municipal Code Establishing Restrictions on Excessive and Unjustified Increases in Consumer Prices During a Declared Emergency; and Adoption of a Resolution Regarding Workers' Compensation Benefits for Registered Disaster Service Workers.

Staff provided a summary of the material of record.

Discussion ensued between the City Council and staff regarding the powers and duties of the City Disaster Council; registering disaster service workers; quorum of the City Council and video conferencing; provisions in the Brown Act regarding notice and meetings during an emergency; state law and succession-type planning; the importance of updating the ordinance; provisions to protect disaster volunteers; managing volunteers; penalties for price gouging in emergencies; appreciation for the hard work of staff; and a minor correction to the resolution for the record to indicate that Government Code Section 85.80 should be 8585.5.

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

1. INTRODUCE ORDINANCE NO. 2010-004 ADDING SECTION 3.01.010 TO CHAPTER 3.01 AND AMENDING CHAPTER 3.09 OF THE CCMC REGARDING DISASTER COUNCIL AND EMERGENCY ORGANIZATION AS CORRECTED;
2. INTRODUCE ORDINANCE NO. 2010-005 ADDING SECTIONS 3.09.200 THROUGH 3.09.215 TO CHAPTER 3.09 OF THE CCMC ESTABLISHING RESTRICTIONS ON EXCESSIVE AND UNJUSTIFIED INCREASES IN CONSUMER PRICES DURING A DECLARED EMERGENCY; AND
3. ADOPT RESOLUTION NO. 2010-R075 REGARDING WORKERS' COMPENSATION BENEFITS FOR REGISTERED DISASTER SERVICE WORKERS.

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Item A-2

Discussion of Proposed Changes to the Culver City Municipal Code Related to Business Tax on Production Companies and Creative Artists and Provide Direction to the City Manager Related Thereto.

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

Martin Cole, Assistant City Manager/City Clerk, suggested that a subsidy would be preferable to lowering taxes since restoring taxes to their previous level would require a vote of the people.

Discussion ensued between the City Council and staff regarding frequency of protests from production companies regarding business tax amounts; the amount of money the City takes in from production companies and creative artists; increasing compliance; and the feasibility of a subsidy.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Steven Rose, Chamber of Commerce, suggested examining ways to become more competitive with Los Angeles and he asserted that bringing more business to the City was the best way to help small businesses.

Jonathan Cowan, Sony Pictures Entertainment, thanked City staff for their hard work, expressed concern with the proposal to assess business tax with productions that are on a lot for 30 days or longer as it could impede their ability to rent to third party television and feature film productions; he discussed incentives offered by the City of Los Angeles; noted that Sony was already paying taxes based on production; expressed concern that Culver City had one of the highest tax levels; he asked that the City be innovative in keeping costs down; and discussed the thirty-mile radius designation.

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Item A-2
(continued)

Melissa Patack, Motion Pictures Association of America, discussed the range of locations available to production companies; thanked staff; expressed concerns with the maximum tax up to \$12,000; she reviewed the competition; discussed corollary benefits to longer-term productions; noted that sound stages paying taxes are a regular revenue source; and she expressed concern that the tax was a double dip.

James C. Cella, The Culver Studios, felt the tax should be lower than anywhere else to make the City more competitive.

Alice Prasad, Associate Analyst, read written comments submitted by:

Julie Lugo Cerra

Jeff Muir, Chief Financial Officer, disagreed with the characterization of the proposal as a double taxation effort except for a portion paid to the studio that he proposed be exempted.

Discussion ensued between the City Council and staff regarding a suggestion to lower rates on a temporary basis; lowering the cap; evaluating changes after one year; artists and 1099 exemptions; Culver City business taxes as compared to other cities; consistency of charges; a suggestion to refund some of the money to companies who have objected and are not returning; publicizing the positive changes to the industry; significant business activity created by production; the importance of promoting film activity in Culver City; promoting resources in the City; the importance of a production friendly business tax structure; clarification that most entertainment money comes from the studios; location shoots; Proposition 218 issues; the exemption for creative artists; having the lowest tax rate rather than the highest tax rate; bringing film business into the City; credit for future production in the City; and the importance of promoting the changes.

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Item A-2
(continued)

At this time, James C. Cella, The Culver Studios, indicated that their publicists could work to publicize the changes and market their production companies to return to Culver City.

Following discussion, Jeff Muir, Chief Financial Officer, indicated that staff understood City Council comments and would return with an alternate proposal to make the City more competitive and allow flexibility under Proposition 218 provisions.

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Public Comment for Items Not On the Agenda (Continued)

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Beverly Polokoff expressed concern with the lack of handicapped parking in Fox Hills and asked for more spaces; she expressed concern with second-hand smoke and multi-unit apartments and condominiums; and she provided a copy of the second-hand smoke ordinance from Santa Monica asking that Culver City adopt a similar ordinance.

Discussion ensued between the City Council and staff regarding handicapped parking requirements.

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Receipt of Correspondence

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

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October 11, 2010

Items from Staff

Item 1.

Brief Discussion and Selection of Proposed City Council Meeting Dates for November, December and January 2011.

Martin Cole, Assistant City Manager/City Clerk gave the staff report.

Following discussion, the City Council concurred with the following meeting schedule:

November 1, 8 and 22, 2010

December 6 and 13, 2010

January 10 and 24, 2011

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Items Presented by Charles Herbertson, Public Works Director/City Engineer:

- Provided an update regarding issues with an abandoned well that is seeping water and gas at the Culver City Dog Park.

Discussion ensued between the City Council and staff regarding accessibility of repair equipment to the Dog Park; documenting the existing condition of the sidewalk and road; returning the area to the same condition after repairs are completed; making information available on the website for the public; financial responsibility; and appreciation to staff for being proactive.

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Items from the City Council

Items Presented by Councilmember Malsin:

- Was impressed by the IndieCade event [an international juried festival of independent video games and independent video game developers] held this past weekend and their sponsors; noted increased attendance; discussed the opportunity to work with game developers to encourage them to locate in the City; and he felt the sponsorship was a good use of Redevelopment Agency dollars.

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Items Presented by Councilmember Weissman:

- Appreciated that the t-shirts were handed out to help identify IndieCade participants.

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Items Presented by Councilmember O'Leary:

- Reported that comments regarding IndieCade coming back next year were well-received.

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Items Presented by Councilmember Cooper:

- Discussed positive interaction at IndieCade; and the importance of the industry.

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Items Presented by Mayor Armenta:

- Thanked the Redevelopment Agency for their participation in IndieCade; and Stephanie Barish and IndieCade for choosing Culver City.
- Read a letter addressed to the Culver City Senior Citizens Association from Lou and Jeanette Block regarding a \$1,000 donation they made to the Senior Center. Expressed appreciation to them on behalf of the City Council.
- Requested that a meeting of the Animal Control subcommittee be scheduled.
- Request from Jan Freedman requesting a letter welcoming figure skaters to Culver City for an upcoming competition at the Culver Ice Arena.

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October 11, 2010

Adjournment

There being no further business, at 9:56 p.m., the City Council adjourned its meeting to a Regular meeting to be held on October 25, 2010.

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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 November 8, 2010



CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California