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

July 12, 2010
5:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:00 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 Public Employee Performance Evaluation
Title: City Attorney
Pursuant to Government Code Section 54957

CS-2 Public Employee Appointment
Title: City Manager
Pursuant to Government Code Section 54957

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

CS-4 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(b)

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Recess

The City Council recessed to Closed Session at 5:00 p.m.

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Reconvene

The City Council reconvened its meeting at 7:10 p.m., with all Councilmembers present.

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Pledge of Allegiance

The Invocation was given by P. Lamont Ewell, Interim City Manager, and the Pledge of Allegiance was led by Barbara Silverstein.

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Closed Session Report

Mayor Armenta indicated nothing to report out from Closed Session.

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Presentations

Item P-1

A Presentation to the City Council from the United States Census Bureau.

Baushi Amataku presented a plaque to the City Council.

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Item P-2

A Proclamation in Honor of Parks and Recreation Month.

Councilmember Cooper presented the proclamation.

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Announcements

Councilmember O'Leary announced the Culver City Music Festival on Thursday nights from July 8 through August 26 in the City Hall Courtyard.

Mayor Armenta announced the following upcoming events made possible by Redevelopment Agency Performing Arts Grants: a series of free interactive story plays at the Culver City Julian Dixon Library on Wednesdays through August 11 presented by We Tell Stories, and The True Story of Jack and the Beanstalk and Merry Wives of Windsor at Carlson Park on weekends from July 17 through August 1 presented by the Culver City Public Theatre.

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Adjourn in Memory

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF RONALD MCLENDON, BROTHER OF JENELSIE MCLENDON, CITY ATTORNEY'S OFFICE; AND IN MEMORY OF LEXI NOELLE VALLADARES, NIECE OF ELA VALLADARES, DEPUTY CITY CLERK.

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Public Comment – Items Not on the Agenda

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Gerald Weiner, representing the Culver City Downtown Business Association, discussed efforts to file litigation against businesses that do not pay their fees and he expressed concern with the MOU and with the statute of limitations.

Discussion ensued between the City Council and staff regarding agreement from staff to look into the statute of limitations and bring the amended MOU back to the City Council as soon as possible.

Randolph Grant, representing Californians for Civil Action, suggested that the City diversify into precious metals.

Annalivia Martin-Straw extended an invitation to the Julian Dixon Library for a celebration of the Culver City Reads summer reading program on July 17, 2010.

Robert Zirgulis expressed concern with red light cameras and the burden put upon residents by high costs; he questioned the status of staff efforts to change the law to an infraction rather than a state vehicle law; and he pointed out that the current vendor the City contracted with was located in Arizona.

Cary Anderson expressed concern with parking enforcement at the Car Show.

Dan Kwong, representing Great Leap, reported receipt of a grant from the City in support of their Collaboratory mentorship program, and requested use of the Council Chambers for their final performance presentation on August 27-29, 2010.

Mayor Armenta requested that staff contact Mr. Kwong to discuss his request.

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Consent Calendar

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE ADJOURNED REGULAR MEETING OF JUNE 7, 2010 AND THE MINUTES FOR THE ADJOURNED REGULAR MEETING OF JUNE 8, 2010 AS SUBMITTED.

July 12, 2010

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FROM JUNE 19 THROUGH JULY 2, 2010.

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Item C-3

Approval of Amendments to Three (3) Existing Professional Services Agreements for Services Associated with the Production of Fiesta La Ballona in Veterans' Memorial Park for Additional Three (3) Year Periods Beginning in 2010.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH UNITED SITE SERVICES FOR FOUR-THOUSAND DOLLARS ($4,000.00) ANNUALLY TO SUPPLY FENCING, PORTA-POTTIES AND OTHER LA COUNTY HEALTH DEPARTMENT REQUIRED EQUIPMENT, FOR A NOT-TO-EXCEED AMOUNT OF TWELVE THOUSAND DOLLARS ($12,000.00) OVER A THREE (3) YEAR PERIOD BEGINNING IN 2010; AND,

2. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH TECHNOLOGY ARTISTS FOR TEN THOUSAND DOLLARS ($10,000.00) ANNUALLY TO SUPPLY LIGHTING AND SOUND SERVICES, FOR A NOT-TO-EXCEED AMOUNT OF THIRTY THOUSAND DOLLARS ($30,000.00) OVER A THREE (3) YEAR PERIOD BEGINNING IN 2010; AND,

3. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH AVALON TENT & PARTY FOR EIGHTEEN THOUSAND DOLLARS ($18,000.00) ANNUALLY TO SUPPLY TENTS, STAGE, DANCE FLOOR AND SHADE COVERS, FOR A NOT-TO-EXCEED AMOUNT OF FIFTY-FOUR THOUSAND DOLLARS ($54,000.00) OVER A THREE (3) YEAR PERIOD BEGINNING IN 2010; AND,

4. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

5. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-4

Approval of Special Permits to Allow Animals in Veterans' Memorial Park for Entertainment Purposes on August 27, 28 and 29, 2010 during the Fiesta La Ballona to: (1) Freckle Farms for a Petting Zoo and Pony Rides; (2) the Culver City Police Department for a K-9 Dog Demonstration; and, (3) S.T.A.R. Eco Station for an Animal Display.

THAT THE CITY COUNCIL APPROVE SPECIAL PERMITS TO ALLOW ANIMALS IN VETERANS' MEMORIAL PARK FOR ENTERTAINMENT PURPOSES ON AUGUST 27, 28 AND 29, 2010 DURING THE FIESTA LA BALLONA TO: (1) FRECKLE FARMS FOR A PETTING ZOO AND PONY RIDES; (2) THE CULVER CITY POLICE DEPARTMENT FOR A K-9 DOG DEMONSTRATION; AND, (3) S.T.A.R. ECO STATION FOR AN ANIMAL DISPLAY.

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July 12, 2010

Item C-5

(1) Acceptance of Work Performed by Republic Intelligent Transportation Services, 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 Upgrade of Traffic Signal Preemption Devices at Various Locations, P-882, Federal Aid No. ITS 05-5240 (014).

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY REPUBLIC ITS FOR THE UPGRADE OF TRAFFIC SIGNAL PREEMPTION DEVICES AT VARIOUS LOCATIONS, P-882, FEDERAL AID NO. ITS 05-5240 (014); 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 $18,286.44 IN RETENTION TO REPUBLIC ITS AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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July 12, 2010

Item C-6

1) Reject Bids by Environmental Construction, Inc. and SEMA Construction, Inc. as Non-Responsive; 2) Award a Construction Contract to Pacific Hydrotech Corporation as the Lowest Responsive and Responsible Bidder for the Construction of the Braddock Pump Station Upgrade Project, P-873; and 3) Approve a Related Budget Amendment.

THAT THE CITY COUNCIL:

1. APPROVE A BUDGET AMENDMENT APPROPRIATING $485,000.00 FROM THE SEWER ENTERPRISE FUND BALANCE TO LINE ITEM 20400873.730100 - BRADDOCK PUMP STATION UPGRADE PROJECT, P-873 [A 4/5TH VOTE IS REQUIRED TO APPROVE THE BUDGET THE AMENDMENT]; AND,

2. REJECT THE BIDS BY ENVIRONMENTAL CONSTRUCTION, INC. AND SEMA CONSTRUCTION, INC. AS BEING NON-RESPONSIVE; AND,

3. AWARD A CONSTRUCTION CONTRACT TO PACIFIC HYDROTECH CORPORATION FOR THE CONSTRUCTION OF THE BRADDOCK PUMP STATION UPGRADE PROJECT, P-873, IN THE AMOUNT OF $1,936,500.00; AND,

4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT-TO-EXCEED $317,475.00 (15% OF TOTAL ESTIMATED PROJECT EXPENSES), IF NECESSARY; AND,

5. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS, AND,

6. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Public Hearings

Item PH-1

(1) Tabulation and Announcement of the Results of the Assessment District Formation Ballot for the Proposed West Washington Benefit Assessment District Number Two; and, (2) Absent a Majority Protest, Adoption of a Resolution Confirming the Diagram and Assessment and Ordering the Improvements, Services and Annual Levy for Said Assessment District.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE AFFIDAVITS OF POSTING OF THE NOTICES FOR THIS PUBLIC HEARING.

Staff provided a summary of the material of record.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE OPENED.

Mayor Armenta invited public participation.

No speakers came forward and no cards were received.

At this time, the City Council moved to another item to allow time for tabulation of ballots.

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Item PH-2

Adoption of a Resolution Levying the Annual Assessment for West Washington Benefit Assessment District Number One for Fiscal Year 2010/2011.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF POSTING OF THE NOTICES FOR THIS PUBLIC HEARING.

Staff provided a summary of the material of record.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE OPENED.

Mayor Armenta invited public participation.

No speakers came forward and no cards were received.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE CLOSED.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL (ABSENT A MAJORITY PROTEST) ADOPT RESOLUTION NO. 2010-R055 LEVYING THE ANNUAL ASSESSMENT FOR THE WEST WASHINGTON ASSESSMENT DISTRICT NUMBER ONE FOR FISCAL YEAR 2010/2011.

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Item PH-3

Adoption of a Resolution Approving the Engineer's Report and Approving the Annual Assessment Levy for Landscaping Maintenance District No. 1 – Fiscal Year 2010/2011.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONTINUE THIS PUBLIC HEARING TO MONDAY, AUGUST 2, 2010 AT 7:00 P.M.

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Item PH-4

Adoption of a Resolution Approving the Engineer's Report and Affirming the Existing Annual Assessment Levy for Higuera Street Landscape and Lighting Assessment District - Fiscal Year 2010/2011.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONTINUE THIS PUBLIC HEARING TO MONDAY, AUGUST 2, 2010 AT 7:00 P.M.

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Item PH-5

Adoption of a Resolution Approving An Administrative Use Permit (AUP) for Tandem Parking and Administrative Modification (AM) to allow a reduction of parking stall widths on an Existing Surface Parking Lot at 8511 Warner Drive.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF POSTING OF THE NOTICES FOR THIS PUBLIC HEARING.

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

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

John Malloy, representing Conjunctive Points Development (applicant), requested that the amendment to the covenants be done as quickly as possible.

Murray Kane, Redevelopment Agency General Counsel, reported that the covenant amendment was being drafted and would be given to the applicant when completed; he clarified that there was no need for the item to be added to the agenda nor a need for the item to come before the City Council again; and he indicated that the version that the applicant gave to the City Clerk was not the version that would be implemented and that a corrected version would be sent to the City Council.

Sol Blumenfeld, Community Development Director, indicated minor corrections had been made and that information was provided to the City Council.

Tanya Konishi, representing 3525 Eastham and 8672 Hayden Place, expressed support for the parking improvements and the tandem parking initiative on the Warner Lot, and the Samitaur Conjunctive Points project; discussed sales tax revenue of the Hayden Tract; encouraged the City to increase parking and other amenities in the Hayden Tract; she observed that businesses were placing more employees in the same square footage; and she noted competition from Playa Vista.

At this time, John Malloy, representing Conjunctive Points Development, received confirmation that the amendment did not need to return to the City Council and he indicated that they would work to resolve any differences with staff.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE CLOSED.

The City Council expressed support for this item, urged expediency, and noted the importance of increasing parking and remaining competitive.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R056 APPROVING THE ADMINISTRATIVE USE PERMIT AND ADMINISTRATIVE MODIFICATION.

(1) Tabulation and Announcement of the Results of the Assessment District Formation Ballot for the Proposed West Washington Benefit Assessment District Number Two; and, (2) Absent a Majority Protest, Adoption of a Resolution Confirming the Diagram and Assessment and Ordering the Improvements, Services and Annual Levy for Said Assessment District

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BEC CLOSED.

Staff reported the results of the ballot tabulation, noting that a majority protest had not been received.

Following discussion, the following motion was voted on:

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

1. CONDUCT THE PUBLIC HEARING AND OBTAIN THE RESULTS OF THE ASSESSMENT DISTRICT FORMATION BALLOTING FROM THE CITY CLERK FOR THE PROPOSED WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NUMBER TWO; AND,

2. (ABSENT A MAJORITY PROTEST) ADOPT RESOLUTION NO. 2010-R054 CONFIRMING THE DIAGRAM AND ASSESSMENT AND ORDERING THE IMPROVEMENTS, SERVICES AND ANNUAL LEVY FOR THE WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NUMBER TWO.

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Joint Item

Item J-1

Review and Discussion of Walker Parking Study and Directions to Staff on the Study.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Cary Anderson noted that the parking study allegedly did not include how many employees were in downtown or where they park; he discussed the neighborhood meeting; two-hour free parking; ticket-writer salaries; actual costs; parking rates; and he expressed concern with enforcement.

Dan Milder expressed concern with parking spaces adjacent to Linwood E. Howe School and School District offices; and he asked that thought be given to the adjacent neighborhood.

Robert Zirgulis expressed concern with money spent on the parking study; likened the parking fees to a tax increase; and discussed the percentage of parking fees paid to Turbo Data.

Meghan Sahli Wells, representing the Downtown Neighborhood Association, alleged no notification regarding the neighborhood meeting; expressed concern with a lack of enforcement; and she discussed alternative types of transportation and making the City more pedestrian friendly.

Steven Gourley discussed theatre parking at City Hall and enforcement around schools.

John Byers, representing the Downtown Business Association, discussed the removal of two-hour free parking and the importance of keeping the downtown businesses included in the discussion.

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

Neil Rubenstein

Mayor Armenta reported that a written comment from Karl Manheim would be included in the record.

Sol Blumenfeld, Community Development Director, explained procedures for the hearing, noting that public comments would be addressed.

Responding to Councilmember O'Leary, Steffen Turoff, Walker Parking, clarified that there were no outside motives for conducting the study, and he provided background on the firm and clarified that the study focused on the downtown commercial area.

Christopher Evans, Redevelopment Project Manager, provided a summary of the material of record.

At this time, Steffen Turoff, Walker Parking, provided a presentation on the parking study with the aid of slides.

Discussion ensued between the City Council and staff regarding enforcement; public comment; the study information as a tool; comparisons to other cities; encouraging people to use alternate methods of transportation; funds used to pay for the study; balancing the interests of providing City services and maintaining the success of downtown; valet parking; changing perceptions; providing adequate parking; and reducing time spent searching for parking.

Item J-1
(continued)

Further discussion ensued regarding overall goals; assumptions and the rate per hour of citations; complaints and time spent with confrontations; the Ince parking structure and Expo Phase One; MOU stipulations; appropriate parking fees; long term leases; the Venice parking lot; Parcel B; investing in parking as a resource; maximizing revenue and parking efficiency; using outside services; technology; habitual offenders versus one-time offenders; scouting for free parking; the congestion management grant; attracting people to parking structures; moving users from Watseka and Cardiff to Ince; signage; and programmability.

Sol Blumenfeld, Community Development Director, received clarification that the City Council was directing staff to go forward and return with the item at a regularly scheduled meeting that is publicly noticed and 3-4 items would be tackled over successive meetings.

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Action Items

Item A-1

Approval of Amendment No. 1 to the Settlement Agreement Between the City of Culver City and the Los Angeles Community College District Regarding the 2010 Supplemental Environmental Impact Report for the 2009 West Los Angeles College Facilities Master Plan.

Staff provided a summary of the material of record.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Betsy Regalado, Acting President of West Los Angeles College, thanked staff for their efforts and expressed support for the settlement agreement.

John Kuechle expressed concern with the meetings held and current mitigation measures; he asked the City to require that previously agreed upon measures remain in effect unless all parties agree to a modification; and he discussed concerns with enforceability, the amended settlement agreement, and parking surveys.

Camille Goulet, General Counsel for the Los Angeles Community College District, expressed willingness to work with the City to resolve issues.

Wena Dows, representing the Culver Crest Neighborhood Association, discussed neighborhood parking issues.

Arthur Kassan spoke on behalf of the Raintree Townhouse and Raintree Condominium Associations, referenced a letter they submitted outlining their concerns and requesting a continuance of the item; he discussed an item pertinent to the agreement recently posted on the West Los Angeles College website; he questioned the urgency of the item; expressed concern with the exclusion of homeowners from the final agreement and communication; he discussed plans for the 10100 property; noted efforts of Dr. Rocha (former President of West Los Angeles College)to work with the neighbors; and expressed concern with the single meeting to be held with the City and neighbors being held in August when many people are on vacation.

Mark Salkin expressed concern with public business allegedly being conducted in secret and attempts by the college to amend the agreement; he alleged that the college was lying to the City; he reported that the Sheriff responsible for hearing community complaints had allegedly been directed by Mark Rocha not to take notice of the complaints as they were civil complaints; he discussed parking and traffic issues; and he asked the City to deny the agreement and sue the College on behalf of the residents.

Michael Bauer, Culver Crest Neighborhood Association, expressed concern with efforts to invalidate the MOU; discussed the required ombudsman, the 24-hour hotline, and the Sheriff’s Department response; and he requested assurances that the City Council would support the neighbors.

Gerald Sallus, West Los Angeles College Foundation, discussed the MOU and suggested postponing the item until the City and homeowners associations could meet with the new President to resolve the matter.

Rosalind La Briola, Culver Crest Neighborhood Association, suggested considering issues with neighbors before approving the amendment; discussed overlooked and ignored agreements in the MOU; efforts to address their grievances; the proposed settlement agreement; termination of the MOU; the 24-hour ombudsmen; and she requested help from the City Council.

Kate Barlow, Raintree Condominium Association, thanked the City Manager for his assistance and hoped that all parties could continue to work on the issues to everyone’s satisfaction.

Meghan Sahli Wells, Downtown Neighborhood Association and the Neighborhood Action Network, expressed concern with alleged secret meetings and community concerns being ignored.

Steven Gourley asserted that West Los Angeles College allegedly did not keep its word and that there was no way to enforce the provisions in the MOU or impose penalties for violations; and he requested that all documents relating to any meeting between any staff member and West Los Angeles College be made public.

Ian Cousineau, asserted the importance of citizen participation and he discussed the MOU.

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

Carol Gustin

Discussion ensued between the City Council and staff regarding concerns with efforts to change mitigation measures; the settlement agreement; concerns with information received; resident identification cards; preserving the City's right to litigate; concern with subverting the position of the homeowners associations; a suggestion to ensure that provisions of the 2005 MOU are explicitly reaffirmed in the document; the unilateral abrogation of terms; and appreciation for the efforts of staff.

Camille Goulet, General Counsel for the Los Angeles Community College District, suggested that Gavin Wasserman, Counsel for the District, answer any questions as Ms. Regalado had not been in her position as Acting President of the College for very long.

Discussion ensued between the City Council, staff and Gavin Wasserman regarding language used in the staff report describing the SEIR; emergency and limited construction activity hours; construction of student facilities in the City; providing extra morning hours for concrete pours; cut-through traffic; permit parking; enforcement; traffic controls; monitoring the student population; the hotline versus the ombudsman; the volume of concerns and issues raised; and the community liaison and special events liaison.

At this time, Stephen Gourley addressed the City Council regarding cut-through traffic.

Item A-1
(continued)

Discussion continued between the City Council, staff and Gavin Wasserman regarding the community liaison; procedures for response to inquiries; City access to 24-hour inquiries and special event inquiries; the residential identification permit system; parking; red curbing; plans for the parcel; meetings between the City, the college and the community; concerns that the settlement agreement eliminates the MOU between the community and the college; effectively addressing community concerns; residential access to the college; commercializing college property; and efforts to accommodate all parties concerned.

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Item A-2

Discussion and Direction Regarding Recommendation to Place a Ballot Measure on the November 2, 2010 Ballot to Increase the City's Transient Occupancy Tax Rate from 12% to 14% and Authorization of a Consultant to Assist City Staff with Educational Program Related Thereto.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Steven Rose, Culver City Chamber of Commerce, provided a presentation on the proposed increase to the transient occupancy tax (TOT) tax; expressed concern with the potential loss of business and competitive edge for the local hotels; he discussed TOT taxes and allocations in surrounding areas; and he noted that the Chamber of Commerce and hoteliers were ready to sit down with the City Council's Economic Subcommittee with creative funding ideas in place of increasing the TOT tax.

Antonio Ruiz, Courtyard by Marriott Hotel, expressed concern with the proposed increase to the TOT and potential loss of revenues.

Councilmember O'Leary requested information on how Culver City hotels rank compared with other hotels in their chains.

Audience participation continued:

Bill Reider, Radisson Hotel Culver City, expressed concern with the proposed increase to the TOT; discussed occupancy, rates, the recession, and recovery; concern with losing their advantage over other area hotels with a higher TOT; and negotiating rates for 2011.

Discussion ensued between the City Council and Mr. Reider regarding contract group business and direct competitors.

Melissa Williams, Four Points by Sheraton Los Angeles Westside, expressed concern with the proposed TOT increase and discussed the current TOT as a competitive edge over other area hotels.

Sandra Kallander expressed opposition to the $25,000.00 allocated for the educational campaign which she did not feel would be impartial.

Douglas Newton, The Culver Hotel, discussed rates; noted that Culver City is a secondary market; expressed concern that the proposed increase to the TOT would severely impact their business; and he suggested waiting on the increase.

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

Lynne Davidson

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

P. Lamont Ewell, Interim City Manager, suggested letting residents vote on the increase; he noted the effects of deferred maintenance on the City; and he discussed focusing on a marketing strategy to draw people to the City.

Discussion ensued between the City Council and staff regarding the timeline to get the measure on the ballot; a strategy for phasing the tax in; the room rate as the deciding factor during booking; competing hotels and comparisons with surrounding cities; average rates; jump-starting economic development; driving business to the hotels; concern with raising costs for businesses during the recession; creating an unbiased educational piece; implementation of the increase; offsetting maintenance costs; stability of the current tax rate for the past 21 years; allocation of revenue; corporate clients and tour groups; competitor hotels; trimming the bottom line; working with the Chamber of Commerce; voter decision on the TOT tax; the percentage of Internet bookings; and TOT taxes from online bookings.

At this time, Steven Rose, Culver City Chamber of Commerce, discussed activities at the state level regarding TOT taxes; online retail sales; closing loopholes; and concern with negative effects of the proposed increase.

Item A-2
(continued)

Following discussion, the following motion was voted on:

MOVED BY COUNCILMEMBER WEISSMAN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL:

1. DIRECT STAFF TO BRING BACK THE NECESSARY ITEMS FOR CITY COUNCIL ACTION IN ORDER TO PLACE A MEASURE ON THE NOVEMBER 2, 2010 BALLOT TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX RATE FROM 12% TO 13% ON JULY 1, 2011, AND FROM 13% TO 14% ON JULY 1, 2012; AND

2. AUTHORIZE THE USE OF A CONSULTANT TO DEVELOP AND IMPLEMENT AN IMPARTIAL PUBLIC EDUCATION PROGRAM.

AYES: Councilmembers Cooper, Malsin, Weissman, Armenta
NOES: Councilmember O'Leary
ABSTAIN: None
ABSENT: None

Discussion ensued between the City Council and staff regarding requirements to produce an impartial educational piece; availability of funds; and the process for approval of the piece.

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Item A-3

This Item Intentionally Left Blank.

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Appointment of John Nachbar as City Manager and Approval of an Executive Employment Agreement Confirming his Appointment.

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

1. APPOINT JOHN NACHBAR AS THE CITY MANAGER; AND

2. APPROVE AN EXECUTIVE EMPLOYMENT AGREEMENT CONFIRMING MR. NACHBAR'S APPOINTMENT AS CITY MANAGER; AND

3. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

4. AUTHORIZE THE MAYOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Public Comment for Items Not On the Agenda – continued.

Mayor Armenta invited public participation.

There was no response.

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Receipt of Correspondence

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE CORRESPONDENCE.

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Items from Staff

No action was taken on this item.

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Items from Council

Items Presented by Councilmember Cooper:

- Questioned a delay in the distribution of a document dated June 14, 2010 regarding the Culver City Community Gardens; and he received consensus to request that a member of the Parks, Recreation and Community Services Commission make a presentation on this item.

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Items Presented by Councilmember O'Leary:

- Received clarification regarding the City Council and Redevelopment Agency meeting schedule.

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Items Presented by Councilmember Malsin:

- Commended City staff on the successful Fourth of July event.

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Items Presented by Mayor Armenta:

- Thanked staff for the suggestion to scan invitations in order for the City Council to receive them in a timely fashion.

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Adjournment

There being no further business, at 12:03 a.m., the City Council adjourned its meeting in memory of Ronald McLendon, brother of Jenelsie McLendon, City Attorney's Office; and in memory of Lexi Noelle Valladares, niece of Ela Valladares, Deputy City Clerk to a Regular Meeting to be held on July 26, 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 August 9, 2010

CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California