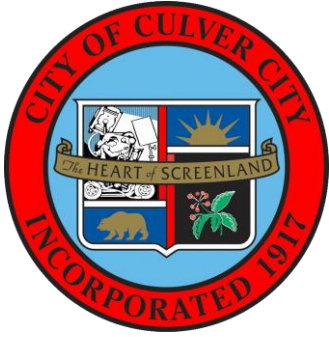




Culver CITY

MIKE BALKMAN COUNCIL CHAMBERS
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CULVER CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-6000
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MICHEÁL O'LEARY, Mayor
D. SCOTT MALSIN, Vice Mayor
CHRISTOPHER ARMENTA, Councilmember
JEFFREY COOPER, Councilmember
ANDREW WEISSMAN, Councilmember

John M. Nachbar, City Manager

CITY COUNCIL REGULAR MEETING

Monday, September 12, 2011

PUBLIC COMMENT: At the times provided on the Agenda, the City Council will receive comments from the public on any item of interest to the public (not listed on the agenda) that is within the subject matter jurisdiction of the City Council. The City Council cannot legally take action on any item not appearing on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. If you wish to address the City Council, the City Clerk requests you complete a Request to Speaker and present it to the City Clerk before the agenda item is called. You will be called to the podium when it is your turn to address the City Council. Providing your name and other information requested on the Request to Speaker is voluntary and is requested only to provide a reasonable means to notify persons when their opportunity to address the City Council has arrived. All persons may attend the meeting regardless of whether a person signs, registers, or completes a speaker's card. For specific items listed on the agenda, requests to address the City Council must be made prior to the calling for a vote on that particular item by the presiding officer. Each speaker may address the City Council for up to three minutes (up to four minutes if time is ceded). Persons who are present in the City Council Chambers may cede one minute of time to one other person who is present and wishes to address the City Council by presenting a Request to Speak to the City Clerk. Public comments on items on the agenda are taken at the time that particular agenda item is considered by the City Council.

AUTHORITY OF PRESIDING OFFICER: Section 611 of the City Charter provides that during any public meeting, all persons shall have the right to address the City Council, and any City commission, board or committee, subject to reasonable rules of decorum and time limits established by ordinance or the presiding officer. Therefore the presiding officer may, from time to time, establish different time limits than those listed in this Agenda in order to effectively conduct City business.

AVAILABILITY OF AGENDA PACKETS AND CONSERVATION OF RESOURCES: Copies of the Agenda and a binder that includes a copy of all regular session staff reports and attachments are available on the table in the rear of the Council Chambers. Members of the public may inspect (at no cost) and/or obtain copies (upon payment of the City's current copying fee) of any regular session item by visiting the City Clerk's Office at City Hall. The City also posts this information on its website (www.culvercity.org) as a courtesy. In order to conserve resources, paper copies of joint items (including JOINT CONSENT CALENDAR, JOINT PUBLIC HEARINGS, and JOINT ACTION ITEMS) are provided only with the City Council agenda packet.

CELL PHONES AND OTHER DISTRACTIONS: Use of cell phones, pagers and other communication devices is prohibited while the meeting is in session. Please turn all devices off or place on silent alert and leave the City Council Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

MEETING INFORMATION AND ACCOMMODATION: City Council meetings are regularly scheduled for the first, second and fourth Mondays of every month. City Council Agenda information is available at least 72 hours before each City Council meeting. City Council/Agency Board/Commission meetings can be viewed live in Culver City on Channel 35 by Time Warner subscribers and on Channel 37 by Verizon FIOS subscribers. To view meetings on line please visit <http://www.culvercity.org/webcast>. Additionally, you may access <http://www22.verizon.com/residential/fiostv/channels.htm> and enter your zip code to see the channel listing. Any person needing reasonable accommodation related to disabilities, including assisted listening devices, is welcome to contact the City Clerk's Office at 310-253-5851 or see the City Clerk at the meeting.

NOTE: AT OR ABOUT 11:00 P.M., COUNCIL MEMBERS MAY DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.



Agendas are
Available on the web at
www.culvercity.org

AGENDA
City Council
REGULAR MEETING

Monday, September 12, 2011
5:30 PM (Closed Session)
7:00 PM (Regular Session)

CALL TO ORDER & ROLL CALL:

Mayor Micheál O’Leary
Vice Mayor D. Scott Malsin
Councilmember Christopher Armenta
Councilmember Jeffrey Cooper
Councilmember Andrew Weissman

City Manager John M. Nachbar

CLOSED SESSION - 5:30 PM

Public requests to discuss Closed Session Items must be filed with the Clerk before Closed Session convenes.

The City Council shall convene in closed session to consider the following matters:

- CS-1.** Conference with Legal Counsel – Existing Litigation
Re: FEI Enterprises, Inc. v. City of Culver City, et al.
Case No. BC437130
Pursuant to Government Code Section 54956.9(a)
- CS-2.** Conference with Real Property Negotiators
Re: 8926 Venice Boulevard
City Negotiators: John Nachbar, City Manager, Sol Blumenfeld Community Development Director, Todd Tipton, Redevelopment Administrator, Murray Kane, City Special Counsel
Other Parties Negotiator: David Knepprath
Under Negotiation: Both Price and Terms of Payment, including use restrictions, development obligations and other monetary related considerations.
Pursuant of Government Code Section 54956.8
- CS-3.** Conference with Labor Negotiators
City designated representatives: City Manager John Nachbar; Director of Human Resources Serena Wright
Employee Organization: Culver City Employees Association;
Culver City Management Group; Culver City Police Officers

REGULAR SESSION - 7:00 PM

INVOCATION By John M. Nachbar, City Manager

PLEDGE OF ALLEGIANCE

REPORT ON ACTION TAKEN IN CLOSED SESSION

COMMUNITY ANNOUNCEMENTS BY CITY COUNCIL MEMBERS/INFORMATION ITEMS FROM STAFF

JOINT PUBLIC COMMENT - Items NOT on the Agenda

Note: All requests to address the City Council (and all other bodies in session) on items of interest to the public that are within the subject matter jurisdiction of the City Council (and all other bodies in session) and NOT on the agenda must file a speaker's card with the City Clerk prior to the calling of this item by the presiding officer. This public comment period shall have an aggregate duration of up to 20 minutes for all bodies in session. Each speaker may address the City Council (and all other bodies in session) for up to three minutes. Speakers who have filed a speaker's card requesting to speak but are unable to be accommodated at this time may be accommodated at a second public comment period at the end of the meeting as announced by the presiding officer.

RECEIPT AND FILING OF CORRESPONDENCE

Note: The City Council shall consider a motion to receive and file all written correspondence related to agenda items appearing on this evening's agenda and for all other written documents (including e-mails) on subjects not appearing on the agenda that were received by the City Clerk's Office no later than 4:00 PM on the day of the meeting.

JOINT CONSENT CALENDAR

Note: Joint Consent and Consent Calendar items are considered to be routine in nature and may be approved by one motion. All requests to address the City Council under these items must be filed with the City Clerk before the Consent Calendar and Joint Consent Calendar are called by the presiding officer.

- JC-1.** [\(1\) City Council Approval of a Financial Contribution Agreement and \(2\) City Council and Agency Board Approval of \(a\) a License Agreement Related to Construction of Temporary Parking Spaces, \(b\) a License Agreement for Use, Operation, Maintenance, and Repair of Temporary Parking Spaces, \(c\) an Option Agreement for Perpetual Easement, and \(d\) a Perpetual Easement Agreement related to the Expo Light Rail Project and the Washington/National Transit Oriented Development.](#)

FOR THE CITY COUNCIL: Approve a financial contribution agreement; and, Authorize the City Attorney/City Special Counsel to review/prepare the necessary documents; and, Authorize the City Manager to execute such documents on behalf of the City. **FOR BOTH THE CITY COUNCIL AND THE AGENCY BOARD:** Approve (a) a License Agreement Related to Construction of Temporary Parking Spaces, (b) a License Agreement for Use, Operation, Maintenance, and Repair of Temporary Parking Spaces, (c) an Option Agreement for Perpetual Easement, and (d) a Perpetual Easement Agreement.; and, Authorize the City Attorney and Agency General Counsel to review/prepare the necessary

documents; and, Authorize the City Manager/Executive Director to execute such documents on behalf of the City and Agency, respectively.

CONSENT CALENDAR

Note: Joint Consent and Consent Calendar items are considered to be routine in nature and may be approved by one motion. All requests to address the City Council under these items must be filed with the City Clerk before the Consent Calendar and Joint Consent Calendar are called by the presiding officer.

- C-1. [Approval of minutes for the Regular Meeting of August 22, 2011.](#)
Approve minutes.
- C-2. [Cash Disbursements for August 13, 2011 - September 2, 2011.](#)
Approve disbursements.
- C-3. [Award of a Contract to Structural Group, Inc. for the Culver City Transfer Station Tipping Floor Repair Project, P-948.](#)
Award a contract to Structural Group, Inc. in the amount of \$125,000 for construction of the Culver City Transfer Station Tipping Floor Repair Project, P-948; and, Authorize the Public Works Director/City Engineer to approve change orders, if necessary, in an amount not to exceed \$25,000 (20%); and, Authorize the City Attorney to review/prepare the necessary documents; and, authorize the City Manager to execute such documents on behalf of the City.
- C-4. [Award of a Contract to Palp, Inc. dba Excel Paving Company, as the Lowest Responsive and Responsible Bidder, for the Construction of the 2011 Pavement Overlay Project, Phase 2, P-863, P-903.](#)
Award a contract to Palp, Inc. dba Excel Paving Company, as the lowest responsive and responsible bidder, for the 2011 Pavement Overlay Project, Phase 2, P-863, P-903, in the amount of \$574,432, based on its base bid; and, Authorize the Public Works Director/City Engineer to increase the construction contract with Palp, Inc. dba Excel Paving Company in an amount not to exceed \$143,608 (25% of base bid) for additional street resurfacing; and, Authorize the Public Works Director/City Engineer to approve change orders in the amount not-to-exceed \$74,804, if necessary; and, Authorize the City Attorney to review/prepare the necessary documents; and, Authorize the City Manager to execute such documents on behalf of the City.
- C-5. [FOUR-FIFTHS VOTE REQUIREMENT - \(1\) Approval to Purchase and Install Replacement Parts for the Emergency Notification System and the Sewer Flow Monitoring System \(ENS/SFMS\); and \(2\) Approval of an Amendment to Utility Systems, Science and Software Incorporated Existing Professional Services Agreement; and \(3\) Approval of a Budget Amendment Related Thereto.](#)
Approve a budget amendment appropriating \$405,735 from the Sewer Enterprise Fund; and, Approve the purchase of parts and services for the ENS/SFMS, for a not-to-exceed amount of \$303,931; and, Approve an amendment to the existing professional services agreement with Utility Systems, Science, and Software, Inc., for a not-to-exceed amount of \$101,805; and, Authorize the City Attorney to review/prepare the necessary documents; and, Authorize the City Manager to execute such documents on behalf of the City.
- C-6. [FOUR-FIFTHS VOTE REQUIREMENT - \(1\) Approval of a Budget Amendment and \(2\) Approval of an Amendment to the Existing Professional Services Agreement with Willdan Engineering for Construction Management and Inspection Services for the Sepulveda Boulevard Widening Project \(Green Valley Circle to Playa Street /Jefferson Boulevard\), P-881](#)

Approve a budget amendment to (1) accept the grant funds in the amount of \$1,621,000 and (2) appropriate \$1,621,000 into 42300881 (a budget amendment requires a four-fifths vote); and Approve an amendment to the existing professional services agreement with Willdan in the amount of \$161,339 for additional construction management and inspection services for the construction of the Sepulveda Boulevard Widening Project (Green Valley Circle to Playa Street /Jefferson Boulevard), P-881; and Authorize the City Attorney to review/prepare the necessary documents; and, Authorize the City Manager to execute such documents on behalf of the City.

- C-7. [\(1\) Acceptance of Work Performed by Houston & Harris PCS, Inc., \(2\) Authorization to File a Notice of Completion and \(3\) Authorization to Release the Retention Payment after Expiration of the 35-Day Lien Period, for the Sewer Main CCTV and Condition Assessment \(Phase I\) Project, P-230.](#)

Accept the work performed by the contractor, Houston & Harris PCS, Inc., for the Sewer Main CCTV and Condition Assessment (Phase I) Project, P-230; and, 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, Authorize the release of \$22,818 in retention funds to Houston & Harris PCS, Inc. following the expiration of the thirty-five day lien period.

ORDER OF THE AGENDA

Note: The City Council may consider reordering the sequence in which items appearing on this evening's agenda will be considered by the City Council.

PUBLIC HEARINGS

- PH-1. [Adoption of a Resolution Approving the Issuance of Tax Exempt Bonds by California Municipal Finance Authority for The HELP Group to Refund Existing Debt.](#)
Adopt a resolution approving the issuance of revenue bonds by the Authority for the purpose of financing and refinancing facilities for New School for Child Development, Project Six, Summit View School, The Help Group Child and Family Center and The Help Group West (collectively doing business as The Help Group); and, Authorize the City Attorney to review/prepare the necessary documents; and, Authorize the City Manager to execute such documents on behalf of the City.

JOINT ACTION ITEMS

- J-1. [Receive and File a Report Outlining the Process for Selecting a Developer for 9300 Culver Boulevard.](#)
FOR BOTH THE CITY COUNCIL AND THE AGENCY BOARD: *Receive and file this report outlining the process to select a Parcel B developer.*

ACTION ITEMS

- A-1. [Consideration of Creating, Providing a Charge and Target Return Date, and Appointing Two Council Members to an Ad-Hoc Subcommittee on Drafting the Argument in Favor/Rebuttal to Argument Against a Measure to Increase the City's Transient Occupancy \(Hotel\) Tax.](#)
Consider creation of the Ad-Hoc Subcommittee and direct staff as deemed appropriate.
- A-2. [Consideration of 1\) Introduction of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; or 2\) Direction to Staff to Prepare a Draft "No-Closure" Covenant.](#)
Consider Ordinance and direct staff as deemed appropriate.

- A-3.** [Approval to Close Portions of City Streets in the Downtown Area, and a Segment of Washington Boulevard between Culver Boulevard and Overland Avenue, for the '2011 Step Out: Walk to Fight Diabetes 5-K Walk' Organized by the American Diabetes Association; and Direct that Parking Enforcement occur Only on Streets that Have Existing Permit or Time Limit Parking Restrictions.](#)

Approve the closure of portions of City streets in the Downtown area, and a segment of Washington Boulevard, between Downtown and Elenda Street; and, Direct that parking enforcement occur on city streets that have existing permit or time limit parking restrictions for the event.

PUBLIC COMMENT - Items NOT On The Agenda (continued)

ITEMS FROM CITY COUNCIL MEMBERS

Note: At this time, City Council Members may: (1) make individual comments on matters not on the agenda, (2) request the City Manager to report back to the City Council concerning a particular matter, (3) provide brief reports on official travel taken since the last City Council meeting or other activities, or (3) provide direction to the City Manager to place items on a future agenda for consideration by the City Council.

ADJOURN

Note: At this time, the City Council shall consider adjourning the meeting. In the case a date and time is not included as part of the motion of adjournment, then the next meeting of the City Council shall be held at the date and time and in the place specified in the agenda posted for that meeting.

**Next City Council Meeting
September 26, 2011
7:00 PM**

Upcoming Public Meeting Tentative Schedule -- September 2011

Date	Day	Time	Location
City Council			
September – 12	Monday	7:00 PM	Council Chambers
September - 26	Monday	7:00 PM	Council Chambers
Redevelopment Agency			
September – 12	Monday	7:00 PM	Council Chambers
September – 26	Monday	7:00 PM	Council Chambers
Parks and Recreation Commission			
September – 6	Tuesday	7:00 PM	Council Chambers
Cultural Affairs Commission			
September – 13	Tuesday	7:00 PM	Council Chambers
Planning Commission			
September – 14	Wednesday	7:00 PM	Council Chambers
Civil Service Commission			
September – 7	Wednesday	7:00 PM	Council Chambers
• Times and dates may be changed. • Meetings may be added or changed			

Compliance with Government Code Section 54957.5: Any writing determined to be a public record under subdivision 54957.5(a), which relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency that was distributed less than 72 hours prior to that meeting, shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, of the members of the legislative body. Such documents are available at the Office of the City Clerk, City of Culver City, City Hall, 9770 Culver Boulevard, Culver City, CA 90232 and may be inspected by members of the Public during normal business hours. Such documents may also be made available on the City's Website: www.culvercity.org.