REGULAR MEETING OF THE
REDEVELOPMENT AGENCY,
CITY OF CULVER CITY,
CALIFORNIA

December 17, 2007
6:00 p.m.

Call to Order & Roll Call

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

Present: D. Scott Malsin, Agency Chair
Gary Silbiger, Agency, Vice Chair
Alan Corlin, Agency Member
Carol A. Gross, Agency Member
Steven J. Rose, Agency Member

o0o

Closed Session

The Agency immediately recessed to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators
Re: 200 Fox Hills Mall
Agency Negotiators: Sol Blumenfeld, Assistant Executive Director, Todd Tipton, Redevelopment Administrator and Murray Kane, Agency General Counsel
Other Parties Negotiators: Westfield, Inc.
Under Negotiation: Price and Terms
Pursuant to Government Code Section 54956.8

o0o

Reconvene

Chair Malsin reconvened the meeting at 7:23 p.m. with all Members present.

o0o

Invocation/Pledge of Allegiance

Chief Executive Officer Jerry Fulwood gave the invocation and John Riordan led the Pledge of Allegiance.

o0o

Report on Action Taken In Closed Session

Chair Malsin indicated that there was nothing to report from Closed Session.

o0o

Public Comment for Items NOT On the Agenda

Chip Netzel presented pictures of Culver City National Little League's fields to illustrate the huge improvements being made. He thanked Parks and Recreation staff members and invited everyone to register for Little League on January 5, 2008.

o0o

Public Comment for Items On the Agenda

None.

o0o

Consent Calendar

MOVED BY MEMBER ROSE, SECONDED BY MEMBER CORLIN, AND UNANIMOUSLY PASSED THAT THE AGENCY APPROVE CONSENT CALENDER ITEMS C-1, C-2 and C-3.

o0o

Item C-1

Secretary's Report

The Agency approved and filed the Secretary's Report.

o0o

Item C-2

Cash Disbursements

The Agency approved Cash Disbursements from November 17, 2007 through November 30, 2007.

o0o

Item C-3

Approval of Minutes

The Agency approved the Agency meeting minutes for November 26, 2007.

o0o

Recessed/Reconvene

Chair Malsin recessed to the City Council meeting at 7:27 p.m. and reconvened to the Redevelopment Agency meeting at 7:45 p.m.

o0o

Joint Item Item J-1

1) City Council Adoption of a Resolution Overturning the Planning Commission's Denial of an Application for a Conditional Use Permit (CUP) for a New Car Wash and Expanded Convenience Store at an Existing Valero Service Station Located at 10332 Culver Boulevard in the Commercial Neighborhood Zone and Approving that CUP; and 2) Redevelopment Agency Consideration of that CUP as it Relates to the Redevelopment Plan

Staff provided a summary of the material of record.

Agency and staff discussion focused on: the differences in the data and interpretations of the noise studies; whether there was sufficient information to warrant a change to the mitigated negative declaration; whether proposed mitigation measures were sufficient; having a baseline noise study done; and having the City hire a third party noise consultant prior to issuing a building permit.

Richard Hamlin, applicants' representative, provided a summary of the mitigation measures and he responded to the particulars of the staff resolution.

Paul Jacobs addressed conditions; indicated that they intended to apply the same restricted hours to holidays that are on Sundays; stated that additional measures could be applied to address problems or revocation was an option: and he pointed out that the matter had been pending since June.

The following members of the audience spoke in opposition to the resolution:

Albert Huxley, Mark Langston, and Gerald Denny.

Reasons for their opposition included: the removal of the proposed traffic attendant; concern with deferring mitigation into the permitting process; a report they provided to Council contradicting the applicant's noise report; concerns with contaminants; concerns with noise levels affecting future residential expandability; and a lack of information. They requested a postponement to enable a compromise.

Agency and staff discussion included the following topics: acceptable noise levels; the public's ability to speak at meetings; effectiveness of proposed mitigations; the most effective height and type of noise walls; the location of the vacuum, fans and exhaust; Mike Buca's report; the need for additional study; groundwater contamination; the proper spelling of the applicant's name; the need for a No Left Turn sign; traffic counts; sound standards; the necessity of an attendant; notification procedures; the price structure for car washes; the need for a third party study; the need for a baseline study of sound and traffic; a leaking planter on the east side of the building; and whether conditions should be imposed from the start or only if a problem becomes apparent.

Mr. Langston pointed out that due to time constraints, baseline studies would not help and he added that the drawings were inaccurate.

Moved by Member Rose and seconded by Member Gross to adopt the staff recommendation and amending requirements for: the No Left Turn sign, the attendant, sound levels.

Member Silbiger proposed a substitute motion to postpone the item until January 8, 2008 to provide a chance for a noise study by a City-selected consultant paid for by the applicant to allow opportunities for both sides to meet and come to a solution. The motion died for lack of a second.

Member Rose and Member Gross agreed to include an expedited baseline study in the motion.

Further staff and Agency discussion focused on clarifying the specifics of the resolution amendments.

MOVED BY MEMBER ROSE AND SECONDED BY MEMBER GROSS THAT THE REDEVELOPMENT AGENCY: APPROVE THE CONSTRUCTION OF A CAR WASH AT 10322 CULVER BOULEVARD (CONDITIONAL USE PERMIT P-2007018) AND DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE REDEVELOPMENT PLAN FOR COMPONENT AREA NO. 4 OF THE CULVER CITY REDEVELOPMENT PROJECT, WITH AN EXPEDITED BASELINE STUDY AND AMENDING REQUIREMENTS FOR: THE NO LEFT TURN SIGN, AN ATTENDANT, AND SOUND LEVELS. THE MOTION CARRIED ON THE FOLLOWING VOTE:

AYES: Malsin, Gross, Rose, Corlin
NOES: Silbiger
ABSTAIN: None
ABSENT: None

o0o

Chair Malsin ascertained that there was no need to discuss items J-3 and J-4.

MOVED BY MEMBER GROSS, SECONDED BY MEMBER ROSE AND UNANIMOUSLY CARRIED TO APPROVE ITEMS J-3 AND J-4.

o0o

Item J-3

Consideration of the Culver City Redevelopment Agency's Annual State Controller's Report For Fiscal Year 2006-07

The Agency 1. Received and filed the Culver City Redevelopment Agency Annual State Controller's Report for Fiscal Year 2006-07 in accordance with Health and Safety Code Section 33080; and 2. Directed staff to submit to the City Council the Annual State Controller's Report required by Health and Safety Code Section 33080.1; and 3. Directed staff to transmit the Annual Report to the State Controller.

o0o

Item J-4

Review and Approve the Release of a Request for Proposal for Professional Review of the City's Investment Policy, Practices and Procedures

The Agency reviewed and approved the release of the RFP for Professional Review of the City's Investment Policy, Practices and Procedures.

o0o

Recess/Reconvene

Chair Malsin recessed to the City Council meeting at 9:21 p.m. and reconvened the Agency meeting at 9:47 p.m.

o0o

Item A-3

Consideration of a Design for Development for the Westfield Mall at Fox Hills

Staff provided a summary of the material of record.

The following members of the audience spoke in support of the project:

Steve Pasko
Leslie Brazil, Fox Hills Neighborhood Association
Art Garcia, Fox Hills Neighborhood Association
David Kersh
Beth Browsen
Jennifer Keany
Roger Porter

Written comments, submitted by the following, were read:

Chip Netzel
Joan Walker
Jeff Haas
John Arewson
Dan Cohen
Linda Thieben
Curtis Reis

Larry Green, Westfield Mall, discussed their commitment to a complete overhaul of the center.

John Goodwin, Westfield Mall, presented a slide show illustrating the proposed renovation.

Deborah Fox, outside counsel for the city, spoke about issues with signage and the first amendment, asked the applicant for clarification on the signage content, and asked the Agency for guidance and direction on the issue.

Staff and Agency discussion focused on: time constraints of the project; potential additional costs to the Agency and City; the Design for Development (DFD) as an Agency document and the ability to supplement the language at a later date; the applicant's proposed supplemental language and the definition of the word incidental as used in that language; DFD compliance with the City's zoning ordinance; including additional language from the Outdoor Advertising Act; the Economic Development Subcommittee's goal of making the mall a lifestyle center and the need to keep the signs consistent with their economic goals; and the decision on the item as a broader policy decision.

o0o

Recess

Chair Malsin called a recess for legal counsel to review the language of the DFD at 10:56 p.m. and reconvened the Agency meeting at 11:17 p.m.

o0o

Deborah Fox, outside counsel for the city, reported that the recommendation of counsel and staff was to adopt the applicant's proposed supplemental language.

Agency and staff discussion ensued on the language, potential criteria and interpretations.

Further Agency and staff discussion included the following topics: monies offered by the City towards the project versus monies requested by the applicant and the effect it had on the scope of the project; sign revenue for shortfall in the renovation budget; concern with public notification of the item; the benefits, if any, of the signs other than as revenue generators; concern with the lighting of the signs; lack of data showing signs will attract crowds; a previous lawsuit over signage and the indemnification promised by the applicant; Sony signage and the lack of complaints it received; requirements of the master sign program and exceptions to it; and clarification on whether the item was a motion to adopt or a consideration.

MOVED BY MEMBER GROSS AND SECONDED BY MEMBER ROSE THAT THE AGENCY: ADOPT THE DFD FOR THE WESTFIELD MALL AT FOX HILLS WITH THE AGREED UPON AMENDMENTS/PROVISIONS. THE MOTION CARRIED ON THE FOLLOWING VOTE:

AYES: Malsin, Gross, Rose
NOES: Silbiger, Corlin
ABSTAIN: None
ABSENT: None

o0o

Item A-4

Consideration of an Owner Participation Agreement with Westfield, Inc. for the Westfield Mall Culver City

Staff provided a brief summary of the material of record.

Jan Jensen spoke in support of the Westfield Mall renovation.

A written comment by Brad Bronson was read.

MOVED BY MEMBER ROSE AND SECONDED BY MEMBER GROSS THAT THE CULVER CITY REDEVELOPMENT AGENCY: 1. ADOPT AN OWNER PARTICIPATION AGREEMENT WITH WESTFIELD, INC. FOR THE WESTFIELD MALL CULVER CITY WITH SPECIFIC CHANGES TO BE NOTED. THE MOTION CARRIED ON THE FOLLOWING VOTE:

AYES: Malsin, Gross, Rose
NOES: Silbiger, Corlin
ABSTAIN: None
ABSENT: None

o0o

Recess/Reconvene

At 12:44 a.m. Chair Malsin recessed to the City Council meeting. He reconvened the Agency meeting at 1:02 a.m.

o0o

Item A-1

Approval of a Professional Services Agreement with Bellur Devaraj to provide General City Engineering support for the Engineering Division related to the Exposition Light Rail Transit Project

Staff provided a summary of the material of record.

MOVED BY MEMBER GROSS, SECONDED BY MEMBER ROSE AND UNANIMOUSLY PASSED THAT THE AGENCY: 1) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BELLUR DEVARAJ TO PROVIDE AS-NEEDED CIVIL ENGINEERING SUPPORT FOR THE ENGINEERING DIVISION'S REVIEW OF THE EXPOSITION LIGHT RAIL TRANSIT PROJECT AT A NOT-TO-EXCEED FEE OF $30,000, AND, 2) AUTHORIZE THE AGENCY GENERAL CONSUL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THOSE DOCUMENTS ON BEHALF OF THE AGENCY.

o0o

Item J-2

Approve the Final Parcel Map Prepared for 9300 Culver Boulevard, Consideration of Enhanced Town Plaza Features, and Consideration to Increase the Downtown Washington Boulevard Realignment Construction Budget

Staff provided a summary of the material of record.

MOVED BY MEMBER GROSS, SECONDED BY MEMBER ROSE AND UNANIMOUSLY PASSED THAT THE REDEVELOPMENT AGENCY AS OWNER OF THE LAND WHICH IS THE SUBJECT OF THE FINAL PARCEL MAP, APPROVE THE PARCEL MAP AND AUTHORIZE ITS SUBMISSION TO THE CITY FOR ACTION BY THE CITY.

Other portions of the motion were postponed

o0o

Public Comment for Items Not on the Agenda (Continued)

None.

o0o

Receipt of Correspondence

MOVED BY MEMBER GROSS, SECONDED BY MEMBER ROSE AND UNANIMOUSLY PASSED TO RECEIVE AND FILE CORRESPONDENCE.

o0o

Items from Staff

None.

o0o

Items from the Agency

Agency Member Rose wished everyone happy holidays.

Chair Malsin thanked staff and members for their hard work this year.

o0o

Adjournment

There being no further business, at 1:08 a.m., the Agency adjourned to the next regular meeting on Monday, January 7, 2008, at 6:00 p.m. in the Mike Balkman Council Chambers.

o0o

Alice Prasad
SECRETARY of the City of Culver City Redevelopment Agency, California

APPROVED

D. SCOTT MALSIN
CHAIRPERSON of the Redevelopment Agency, City of Culver City, California