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UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

February 10, 2014
5:30 p.m.

Call to Order & Roll Call

Mayor Cooper called the meeting of the City Council to order at 5:30 p.m.

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

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Closed Session

At 5:30 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(d)(2)

CS-2 Conference Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – 1 Matter
Pursuant to Government Code Section 54956.9(d)(4)

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Reconvene

Mayor Cooper reconvened the City Council meeting at 7:05 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 Judge Bredo.

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Report on Action Taken in Closed Session

Mayor Cooper indicated there was nothing to report from closed session.

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Presentation

Item P-1

Presentation of a Commendation to Mr. Paul Taylor, Deputy Chief Executive Officer of the Los Angeles County Metropolitan Transportation Authority and Culver City Resident, on the Occasion of His Retirement

Art Ida, Transportation Director, congratulated Mr. Taylor on his retirement and thanked him for his support and service.

Mayor Cooper presented the Commendation.

Mr. Taylor thanked the City for the Commendation.

Councilmember O'Leary thanked Mr. Taylor for being a great advocate and supporter.

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Community Announcements By City Council Members/Information Items From Staff

Dan Hernandez, Parks, Recreation and Community Services Director, reported that the Culver City Municipal Plunge had been chosen as one of the top ten pools in all of Los Angeles County, and he thanked staff for the work they did to make that possible.

Mayor Cooper discussed the drought and the City water conservation program, and received consensus to agendize a discussion of the issue at a future meeting.

Charles Herbertson, Public Works Director, provided a brief overview of the City water conservation program.

Discussion ensued between Councilmembers and staff regarding reporting violations; concern over the severe drought in the state; and encouragement to residents to educate their neighbors about the importance of conservation.

Councilmember O'Leary reported attending the ICA Winter Seminar; the Southern California Association of Governments Meeting; the EXPO Board meeting; the League of California Cities meeting where there was a presentation on Emergency Preparedness; and he asked that staff review the Emergency Preparedness presentation.

Councilmember Clarke apologized to everyone for the tone of his comments regarding the ice rink at the last City Council meeting; he discussed his concern and frustration at the inability of the City to do more to help the ice rink; the final night of the ice rink; and indicated that he had tried to be responsive to all concerns.

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Joint Public Comment – Items Not on the Agenda

Mayor Cooper invited public comment.

The following members of the audience addressed the City Council:

Jim Lissner discussed red light camera tickets; fake citations; his previous request to add Spanish language information on red light tickets; the decision by Los Angeles not to report those who ignore red light tickets to the DMV; the number of red light tickets issued; quota behavior; and the average age of the drivers being issued red light tickets.

Discussion ensued between Councilmembers and staff regarding issuance of red light tickets; accusations and allegations; fake red light tickets; the number of tickets issued; road construction; the age of drivers being cited; driving habits and behavior; timing of the citations; statutory requirements; light phasing; constitutionality of red light tickets; statistics that show red light cameras cut down on accidents; driving behavior; reduced speeding; traffic surveys; evidence; education; procedures; and improved safety.

Dr. Janet Hoult expressed concern with the intent of the City to dismantle the Landlord Tenant Mediation Board; discussed her experiences with mediation; the demise of the redevelopment agency; the lack of help from the City for low and fixed income residents; arbitration; the number of cases considered by the Landlord Tenant Mediation Board; continuing the Rental Assistance Program; and rent control.

Mayor Cooper indicated that he had no knowledge of plans to disband the Landlord Tenant Mediation Board.

Matthew Hetz, Culver City Symphony Orchestra, expressed support for the ice rink and announced their next concert on February 22 at Veterans Memorial Auditorium.

Arlene Cardenes, Culver City Chamber Orchestra, discussed the history of the organization, and she announced their March 16 concert at the Culver Palms United Methodist Church.

Mayola Delgado reiterated a previous request that the entryway to Culver Crossroads off Commonwealth Avenue be closed; she discussed zoning; ticketing in the area; light intrusion; trash; pollution; a recent accident; and she asked that the health and safety of residents be placed ahead of the protests of the owner and the wait for the six-month survey.

Yvonne Krause expressed appreciation for improvements to conditions in the area around Culver Crossroads; discussed permit parking; right turn only signs; safety; recent accidents on the street; and she asked the City to close the driveway.

Discussion ensued between staff and Councilmembers regarding potential mitigation measures for the shopping center; permitted use in the zone; the driveway; Conditions of Approval; closure of the driveway; the six-month study; and the request for specific code information.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF MICK RYAN, UNCLE OF COUNCILMEMBER O'LEARY, AND BERNIE TUBMAN, MEMBER OF THE JEWISH WAR VETERANS OF CULVER CITY.

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Consent Calendar

Item C-2
(Out of Sequence)

Approval of an Agreement with Power Source Systems, Inc. for the Repair of Four Decorative Light Columns Located at Town Plaza in an Amount Not-To-Exceed $36,900.00

Mayor Cooper invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson noted the length of time that the issue has been outstanding; he discussed skateboarders in Town Plaza; graffiti issues; enforcement; and maintenance.

Charles Herbertson, Public Works Director, indicated that if the City Council approved the item the work would commence within 30 days.

{Note from the City Clerk: Later in this meeting, the City Council adopted a motion to approve this item}

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Joint Public Comment – Items Not on the Agenda (Continued)

Mayor Cooper invited public comment.

The following member of the audience addressed the City Council:

Theresa Marasco reported issues with plumbing and mold in her building and issues with the owner; she discussed information provided to the Housing Authority; and she expressed concern with unlicensed contractors making insufficient repairs.

Mayor Cooper indicated that he would follow-up with Ms. Marasco.

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Order of the Agenda

The City Council determined to take Item A-1 at this time.

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Action Item

Item A-1
(Out of Sequence)

Consideration of Additional Information Related to the Culver City Ice Arena and Direction to Staff as Deemed Appropriate (Continued)

Discussion ensued between Councilmembers regarding the order of speakers.

Mike Bowden, Fire Marshall, provided a summary of the material of record.

Sol Blumenfeld, Community Development Director, reported progress in the historic preservation process; he discussed zoning and land use; discretionary approval; and the California Environmental Quality Act.

Discussion ensued between staff and Councilmembers regarding submission of the Facility Closure Plan; the zone change process; clarification that an application had not been received; notification; the public nature of the process; procedures to be included in the notification process; removal of the ammonia; the amount of repairs to the system needed; procedures for shutting down the system; the California Accidental Release Program; impacts to the ice; proper disposal of toxic chemicals; the need for specialized equipment and personnel; making the system safe; adherence to the code; the time frame and process for historic designation and zone changes; and clarification that the ice had to be decommissioned for the protection of the community.

Mayor Cooper invited public input.

The following members of the audience addressed the City Council:

Daryl Evans, Los Angeles Kings, discussed the importance of the Culver City Ice Rink; the Anaheim Ducks, UCLA Bruins, and Los Angeles Kings; he asked that every consideration be put forward to maintain an ice rink on the site; and discussed the vested interest of the LA Kings.

Cindy, Jeff and Lauren Bernstein asked that the ice rink be saved; discussed time spent in the City; their support of local businesses; and serving the people of Culver City.

Gann Matsuda asserted that the ice rink was an opportunity for the City; he discussed economic development; and he wanted to see a state of the art ice rink in the City.

Mike Snow discussed the existing ice rink; Planet Granite; and the possibility of another tenant moving in and running another ice rink.

Paul Rochmes asked that the City do whatever possible to enable an ice rink to stay at that location; he discussed community support for the rink; and benefits to the City and to the surrounding area.

Kevin Klowden discussed an interview with the owner of the property; eminent domain; public private partnerships; and the ability of the City to make the acquisition.

Nadine Lewis read a statement from Rachel Flatt discussing her accomplishments and the importance of local ice rinks.

Therese Steinlauf indicated that she and Eleta Engelbrecht were the daughters of the ice rink designer; she discussed the original plans for the ice rink; and the value of the building to the City.

Sami Takahashi asked that the area not be rezoned and that the ice rink stay an ice rink.

Mindy Paige discussed the amount of time she used to spend in the City due to the ice rink, and she read a letter from Judge Irma Brown discussing the benefits of the rink to the entire community.

Mayor Cooper indicated that Ms. Paige could have someone else read the other two letters she had brought.

Shannon Takahashi indicated that she and her family had worked at the ice rink for many years; reported securing a short term lease to keep the ice rink alive; she questioned issues raised by the Fire Department; previous inspections; safe functioning of the ice rink; and a variance identified by an ice skating mother.

{Note from the City Clerk: Later in this meeting, Mr. Blumenfeld clarified that it was staff that had discovered the Use Variance in the files of the City.}

Brooke Powell discussed the closing of the ice rink; variances and zoning; conditions on placed properties that are exceptions to the General Plan; she asked that the property continue to be an ice rink; discussed eminent domain; public private partnership; and she questioned whether the system could be bypassed while the ammonia was evacuated.

Fire Marshal Bowden discussed the process for repairing and replacing the equipment.

Nadine Lewis discussed impartiality; the ability of the City to act; discretion; she suggested that Planet Granite find another location rather than the ice rink; and she wanted to see the ice kept frozen, the building become part of the historic preservation program, and zero tolerance for height exceptions.

{Note from the City Clerk: Later in this meeting, Mr. Blumenfeld clarified that the Ice Arena property was not eligible for an exception to the height limitations imposed by the voter-adopted height standards.}

Kevin Healy distributed an article regarding a Trader Joes expansion in Portland, Oregon; discussed the decision of Planet Granite to force themselves into an area where they are not wanted; the small business that is Culver Ice; and professional skaters to come from the ice arena.

Gary Abrams expressed skepticism regarding the Planet Granite proposal; discussed the history of the City Council to side with money; previous loans to private developers; the lack of documentation from the City; concern that there is a developer waiting in the wings to take over the property when the Planet Granite proposal fails; and he discussed the will of the people.

Cary Anderson discussed concern with City Council shenanigans over time; red light cameras and safety; the Westfield Culver City Mall; and the public process and last minute deals.

David Metzler discussed the previous suggestion to find a new location for the ice rink; preserving the history of the City; efficient use of resources; the Culver Hotel; capitalist tragedies; zoning; he asked that the City Council do everything in its power to preserve the current use of the ice rink and not to grant any variances; he questioned whether the City owned the alleyway; why the decommissioning had to happen immediately; and what costs were to evacuate the ammonia and return it vs. maintaining the current state.

Steven Rose, President and CEO of the Culver City Chamber of Commerce, read a Chamber of Commerce press release expressing support for City efforts regarding the future of the property; discussed the closure of the Culver City Ice Arena; and the importance of health and safety.

Tamara Coffin, Culver Ice Rink, discussed bypassing the system and legal action.

Monica Rose Caris finished reading the statement submitted by Rachel Flatt discussing the importance of training at the local ice rink.

Michelle Rittel read a letter brought by Mindy Paige from Wayne Dentin, Court Commissioner from the Superior Court in Inglewood in support of keeping the ice rink open.

Deborah Shapiro read a letter brought by Mindy Paige from the Santa Monica Police Department and Santa Monica Police Activities League, discussing the benefits of the rink to the area.

Annie Burrows discussed her research on environmental issues regarding decommissioning the ice rink and wanted to see the ice rink reopened on March 1.

Debra Curtis discussed her experiences at the Culver City Ice Arena; skating at other area rinks; and she asked the City Council to save the ice rink.

Jeremy Green, Management Analyst, read written comments submitted by:

Garick Chan
Wilma Arterbery
Gabriel Jon Margosian

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Recess

Mayor Cooper called a brief recess from 9:22 p.m. to 9:38 p.m.

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Chris Sellers, Fire Chief, discussed the Facility Closure Plan; ammonia as an environmental hazard; regular Fire Department inspections; the mechanical systems; and the evaluation by the refrigeration specialist.

Staff addressed speaker concerns and discussed legal obligations; professional obligations; protection of the public; whether another interest is involved in tenanting the property; putting down an extra sheet of ice; adding a building; parking requirements; costs; the City zoning ordinance; eminent domain; hazardous abatement; staff finding the variance in the City’s files; the zoning process; historic preservation; the height limit; the use variance; and the request for additional information on the alley.

Discussion ensued between staff and Councilmembers regarding bypassing the existing system and using a temporary system; the current system of running ice rinks; problems with the existing system; clarification that the ammonia and ice need to be removed now; other hazardous materials on site; concern with actions of the owner; false hopes; the commitment of the City to the public health; the speed of government; and concern with negative behavior directed to staff.

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Item A-2

(1) Adoption of a Resolution Transmitting to the County of Los Angeles the Official City Response to the December 2013 Initial Study/Mitigated Negative Declaration for the Proposed Stoneview Nature Center Project Located at 5950 Stoneview Drive and (2) Approval of a Memorandum of Understanding Between the City of Culver City and the County of Los Angeles Department of Parks and Recreation for the Stoneview Nature Center Operation

Mayor Cooper invited public input.

The following member of the audience addressed the City Council:

Antoinette Lowe discussed privacy issues on the south side of Stoneview Drive and setting aside funds for mitigation measures.

Discussion ensued between staff and Councilmembers regarding language in the MOU to address after the fact situations that develop, and future trail development.

Jeremy Green, Management Analyst, read comments submitted by:

Annie C. Wilson

Additional discussion ensued between staff and Councilmembers regarding the County report; County response to comments; requirements and triggers for mitigation; City discretion; changes to MOU language; the 120 car threshold; parking of construction vehicles; appreciation to everyone working on the project; public outreach; effects on residents; being proactive rather than reactive; hazards in the area; amending comments; the notice provision for MOU cancellation; the inclusion of meet and confer language; citizen involvement in the process; the Park to Playa Trail; traffic implications; and the process.

MOVED BY VICE MAYOR SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION TRANSMITTING THE OFFICIAL CITY RESPONSE TO THE DECEMBER 2013 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED STONEVIEW NATURE CENTER PROJECT LOCATED AT 5950 STONEVIEW DRIVE; AND,

2. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CULVER CITY AND COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION FOR THE STONEVIEW NATURE CENTER OPERATION; 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: AND

5. AUTHORIZE STAFF TO AMEND COMMENTS TO INCLUDE ADDITIONAL ITEMS FROM THE MOU AND MEET AND CONFER LANGUAGE.

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Receipt and Filing of Correspondence

Martin Cole, Assistant City Manager/City Clerk, reported the receipt of approximately 200 items in connection with Action Item A-1.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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Joint Consent Calendar

Item JC-1

JOINT CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/JOINT AGENDA ITEM: Cash Disbursements

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE CASH DISBURSEMENTS FOR JANUARY 18, 2014 – JANUARY 31, 2014.

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Consent Calendar

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE ITEMS C-1 THROUGH C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETINGS OF JANUARY 13, 2014 AND JANUARY 27, 2014.

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Item C-2

Approval of an Agreement with Power Source Systems, Inc. for the Repair of Four Decorative Light Columns Located at Town Plaza in an Amount Not-To-Exceed $36,900.00

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH POWER SOURCE SYSTEMS, INC. IN AN AMOUNT NOT-TO-EXCEED $36,900.00 FOR THE REPAIR OF THE TOWN PLAZA DECORATIVE LIGHT COLUMNS; 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.

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Item C-3

Adoption of a Resolution Approving Encroachment Agreements with Time Warner Cable for Use of the Public Rights-of-Way on Hayden Avenue and Its Intersection with Higuera Street and on Bristol Parkway and Its Intersection with Green Valley Circle

Councilmember Clarke received clarification regarding changes to the process for review of public right-of-way issues.

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING TWO ENCROACHMENT AGREEMENTS WITH TIME WARNER CABLE FOR THE PROPOSED FIBER OPTIC TELECOMMUNICATION CABLES ALONG HAYDEN AVENUE (AT HIGUERA STREET) AND ALONG BRISTOL PARKWAY (AT GREEN VALLEY CIRCLE); AND,

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

3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-4

Approval of Plans and Specifications and Authorization to Publish Notice Inviting Bids for the Culver City Catch Basin Trash Excluder Insert Project, Phase 2, P-497, Bid No. 1537

Councilmember Clarke congratulated staff on their proactive efforts toward implementing environmentally protective measures.

THAT THE CITY COUNCIL APPROVE THE PLANS AND SPECIFICATIONS FOR THE CULVER CITY CATCH BASIN TRASH EXCLUDER INSERT PROJECT, PHASE 2, P-497, BID NO. 1537 AND AUTHORIZE STAFF TO PUBLISH A NOTICE INVITING CONSTRUCTION BIDS.

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Item C-5

Adoption of a Resolution Approving a Joint Application with the Cities of Monrovia and Claremont for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Culver City Bicycle and Pedestrian Master Plan Update (Culver City Project), the Green Streets Policy (Monrovia Project) and the Catchment and Stormwater Implementation Plan (Claremont Project)

Councilmember Clarke received clarification regarding the use of third party money for the five percent hard match.

THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING THE JOINT APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) FOR THE BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE (CULVER CITY PROJECT), THE GREEN STREETS POLICY (MONROVIA PROJECT) AND THE CATCHMENT AND STORMWATER IMPLEMENTATION PLAN (CLAREMONT PROJECT).

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Item C-6

Approval of Amendments to Existing Professional Services Agreements with Ayala Engineering, Amireh Sewer Contractor and Escobar Contracting, Inc. in an Aggregate Not-to-Exceed Amount of $400,000 and Expiring on June 30, 2017

THAT THE CITY COUNCIL:

1) APPROVE AMENDMENTS TO EXISTING PERSONAL SERVICES AGREEMENTS WITH AYALA ENGINEERING, AMIREH SEWER CONTRACTOR, AND ESCOBAR CONTRACTING INC., FOR ON-CALL SEWER REPAIRS IN AN AGGREGATE NOT-TO-EXCEED AMOUNT OF $400,000, WITH SUCH AMENDED AGREEMENTS EXPIRING ON JUNE 30, 2017; 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.

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Public Comment – Items Not on the Agenda

Mayor Cooper invited public comment.

The following members of the audience addressed the City Council:

DeShayne Walker, Dare to Care Kids Club, reported issues with a former client, and she expressed concern with her treatment by City staff and police, and her inability to renew her business license in the City.

Martin Cole, Assistant City Manager/City Clerk, indicated that municipal code requirements related to the renewal of her business tax certificate had been transmitted to Ms. Walker; he discussed information received from the State of California indicating Ms. Walker did not have the required state license of a day care facility – which classification the state has placed upon her business; and required licenses and fees.

Michelle Rittel expressed discomfort with behavior exhibited by several audience members earlier; she thanked Councilmember O'Leary for his support; she asked that City Councilmembers remember their promise of support when rezoning comes up for reconsideration; she thanked the City Council for their consideration; and she expressed concern with melting permafrost and the potential loss of the building, and therefore historic designation.

Mayor Cooper thanked Ms. Rittel for her comments.

Nadine Lewis discussed the previous inspection of the ice rink; she indicated that she would file an injunction; expressed skepticism regarding recently found documents; took issue with the time given to Planet Granite to speak at the January 27, 2014 City Council meeting; discussed the hiring of the expert to investigate; and assertions that the City is just worried about being sued and that the owner of the property is the villain.

Shannon Takahasi asked for a copy of the Fire Inspector's report and she invited any interested parties to attend the inspection by Complete Thermal on February 11.

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Items from the City Council

Items from Councilmember Clarke

- Reported attending the Actors Hall of Fame event at Veterans Auditorium

Items from Councilmember O'Leary

- Encouraged interested parties to contact him for further information regarding the regional meetings he attended

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Adjournment

There being no further business, at 10:49 p.m., the City Council adjourned its meeting in memory of Mick Ryan and Bernie Tubman to Monday, February 24, 2014 at 7:00 p.m.

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

JEFFREY COOPER
MAYOR of Culver City, California