

**City of Culver City, California
Redevelopment Agency Agenda Item Report**

Meeting Date: 04/06/09		Item Number: <u>J-1</u>	
AGENDA ITEM: JOINT ITEM - Approval of an Amendment to an Existing Tri-Party Professional Services Agreement with Jamie Greenberg for Graphic Design Services for the Redevelopment Agency's Cultural Affairs Work Programs and Economic Development Materials and the City's Cultural Affairs Work Programs.			
Contact Person/Dept: Todd Tipton		Phone Number: (310) 253-5762	
Fiscal Impact: Yes ☒ No ☐ General Fund: Yes ☐ No ☒			
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (04/01/09); Cultural Affairs Commission (3/30/09); and Jamie Greenberg (3/23/09)			
Department Approval: Sol Blumenfeld (04/01/09)		City Attorney Approval: Carol Schwab (by H. Baker) (04/01/09)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (04/01/09)		City Manager/Executive Director Approval: Jerry B. Fulwood (04/01/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council and the Culver City Redevelopment Agency approve an amendment to an existing tri-party Professional Services Agreement with Jamie Greenberg for graphic design services. <u>BACKGROUND:</u> Culver City has quickly become a destination in recent years. The revitalized Downtown area and the many cultural opportunities have contributed to attracting more visitors and more publicity for the City. The Redevelopment Agency has recognized the importance of professional graphic services as a means of further branding the identity of Culver City. Competitive marketing materials are a factor in drawing patrons to the City's businesses and cultural events thereby providing positive economic impact and publicity. Jamie Greenberg is currently contracted to provide graphic design services for the City and Agency Cultural Affairs work programs and for the Agency's Economic Development work programs. Funding for the services is available within these Agency and City-approved work programs. Graphic design services require specialized skills and software. Ms. Greenberg is a graduate of the USC School of Fine Arts and was recommended by Big Imagination Group which is a marketing company in Culver City. She utilizes the Adobe Creative			

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Suite for marketing materials which includes the programs of Photoshop, Illustrator and In Design. Ms. Greenberg has a Culver City Business Tax Certificate.

Ms. Greenberg communicates primarily through email and is responsible for the following daily tasks:

- Reviewing projects with staff and receiving staff-developed text;
- Developing graphic and document lay-out for promotional material utilizing approved text;
- Creating consistency in design to further brand Culver City through cultural and economic materials;
- Adjusting text and graphics throughout the staff approval process;
- Developing materials such as event flyers, e-flyers, and ads as well as maps and informational items for the Business Resource Center; and
- Coordinating with Culver City-based printing companies to determine cost estimates and production deadlines.

DISCUSSION:

City and Agency contracts with Ms. Greenberg were implemented in April 2008 for graphic design services. Each contract was in the amount of \$10,000, according to funding source, and was approved administratively. The contract funds for the Agency have now been expended and the contract funds for the City (through the Art Fund) will soon be expended as well.

The services are proposed to be provided at Ms. Greenberg's existing hourly rate of \$35. Ms. Greenberg is responsible for absorbing the costs to maintain the necessary software programs. Funding for this Tri Party Agreement is estimated as follows:

City-funded Cultural Affairs Work Programs (Art Fund):

- | | |
|------------------------------|----------|
| • Performing Arts Grants | \$ 4,000 |
| • <i>ARTWALK Culver City</i> | \$ 4,500 |
| • Other Programs (TBD) | \$ 1,500 |

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Redevelopment Agency-funded Cultural Affairs and Economic Development Work Programs:

Cultural Affairs Work Programs

- *Music in the Chambers* \$ 800
- *Rainbow Day* (Children's Event) \$ 800
- *Culver City Music Festival* \$ 800
- Special Events (Cultural) \$ 1000
- *Speak Easy* \$ 800
- *Made in Culver City* \$ 800

Economic Development Work Programs

- Business Resource Center \$ 5,000
Informational Handouts /
Other Marketing Materials

Total Not-to-Exceed Amount \$20,000

Staff recommends approval of a contract amendment that will encompass the work programs and scope of work detailed above. While other graphic artists have periodically been engaged by the Community Development Department, Ms. Greenberg's consistently creative and affordable work has contributed greatly to the overall branding recently and that effort can now be maintained and further developed.

FISCAL ANALYSIS:

Funding for this contract was included in the City's Adopted FY 2008/2009 Budget, under each of the separate work programs as listed above for Cultural Affairs. For the Agency, funding for this contract amendment was included in the fiscal year 2008/09 respective work programs for Cultural Affairs and under Other Contractual Services (55090200.619800) in the Economic Development budget.

ATTACHMENTS:

1. 2008 *ARTWALK Culver City* Guide
2. 2008 *Speak Easy* Flyer
3. Downtown Culver City Guide
4. Culver City Chamber of Commerce Map
5. 2009 *Music in the Chambers* Flyer

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6. 2009 Rainbow Series Flyer
7. 2009 *Rainbow Day* Flyer
8. Agreement with Jamie Greenberg for Graphic Design Services

MOTION:

That the City Council and Redevelopment Agency:

1. Approve an amendment to an existing tri-party professional services agreement with Ms. Jamie Greenberg for graphic design services in an amount not to exceed of \$20,000.00; and,
2. Authorize the City Attorney and Agency General Counsel to review/prepare the necessary documents; and,
3. Authorize the City Manager/Executive Director to execute such documents on behalf of the City and Agency.

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Meeting Date: 04/6/09		Item Number: A-1	
AGENDA ITEM: Introduction of an Ordinance Amending Chapter 9.04 of Title 9 of the Culver City Municipal Code, Entitled "Nuisances," to Modify Property Maintenance Standards and to Update the Procedures for Administrative Due Process Abatement of Public Nuisances; and, Amending Chapter 1.01 of Title 1 to Relocate the Definition of the Composition of the Municipal Code Appeals Committee from Chapter 9.04.			
Contact Person/Dept.: Sol Blumenfeld & Sharon Guidry, Community Development		Phone Number: 310-253-5940	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (04/01/09), Culver City News February 26, 2009, Homeowner Associations E-Notification List (03/31/09), Chamber of Commerce (03/31/09), Downtown Business Association (03/31/09)			
Department Approval: Sol Blumenfeld: (02/26/09)		City Attorney Approval: Carol Schwab (by H. Baker) (03/02/09)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (03/03/09)		City Manager Approval: Jerry B. Fulwood (03/04/09)	

RECOMMENDATION:

Staff recommends the City Council Introduce an Ordinance amending Chapter 9.04 of Title 9 of the Culver City Municipal Code (CCMC), entitled "Nuisances," to modify property maintenance standards and to update the procedures for administrative due process abatement of Public Nuisances; and, amending Chapter 1.01 of Title 1 to relocate the definition of the composition of the Municipal Code Appeals Committee from Chapter 9.04,.

BACKGROUND:

[Note: This item originally appeared on the City Council agenda for the March 16, 2009 City Council meeting. This item was continued to this date to allow for additional notification and due to a technical difficulty which impacted the ability of interested parties to view this report and attachments on the City's website.]

In August 2008, staff reported to City Council on the status of the new Enforcement Services Division and discussed enforcement standards and thresholds for property maintenance. At that time Council gave direction to staff as to the thresholds for property maintenance standards enforcement, and staff advised Council that staff would return at a future date with a proposed amendment to the CCMC for review by Council. (Attachment 1)

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The Enforcement Services Division conducts proactive and reactive enforcement activities. Proactive enforcement occurs if a property front or side yard contains chairs, tables, boxes, equipment, tools, lumber, debris and trash cans stored in driveways or yard areas, grass that has overgrown about 6", inoperable vehicles parked in the driveway, vehicles with flat tires and without regular cleaning or when a dwelling has areas where paint is peeling and fading, all visible from the public right-of-way. Enforcement Services staff initiates contact with the resident or property owner regarding such conditions and asks that the condition be corrected. Reactive enforcement occurs when an investigation is initiated by a complaint.

The interim enforcement strategy implemented by the Enforcement Services Division as directed by Council will not be affected by any modifications to the property maintenance ordinance. This strategy involved enforcing all property maintenance complaints ranging from simple deferred maintenance to more extensive derelict property conditions, including documenting violations observed in the field, notifying property owners of violations and providing a date certain to correct the condition(s). Where enforcement includes properties with many deferred maintenance conditions which may have existed for an extended time period, a "work-out program" is established. Staff will continue to assist the owner by scheduling completion of the required corrective measures over a reasonable length of time.

Enforcement on abandoned and neglected properties throughout the City has met with very positive results. Overgrown vegetation, illegal dumping and graffiti have been removed from vacant properties through collaboration with property owners and other City departments.

Complaints such as graffiti, illegal dumping in the public right-of-way and abandoned shopping carts continue to be immediately reported to the responsible department, shopping cart retrieval company or other responsible party. Enforcement Services also monitors the new complaint hotline where the community can leave detailed information on the location of abandoned shopping carts and illegal signs in the public right-of way. The hotline is checked twice daily and a log of all calls to the hotline is maintained in the Division.

DISCUSSION:

Staff reviewed the existing property maintenance standards in the Culver City Municipal Code ("CCMC"), which are contained in Chapter 9.04 "Nuisances," to determine if the standards were sufficient to address the previously voiced concerns and the direction of the Council. (Chapter 9.04 is attached in its entirety as Attachment 2). Staff recognized that existing language in the CCMC could be modified to enhance the existing standards to ensure a clear understanding of

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conditions that constitute a violation, better compliance with the standards, and the prevention of blighting conditions.

Over 60 percent of the City's total land use is residential, and over half is comprised of single-family development. This means a great portion of the enforcement activities are concentrated in residentially zoned areas. The issues in these single-family areas are primarily the protection and enhancement of neighborhood character. However, the property maintenance standards are not limited to residential property.

Chapter 9.04 is currently divided into 4 subchapters: General Provisions, Graffiti, Property Maintenance, and Administrative Charges. Property maintenance standards are currently referenced in several of the sections of the General Provisions subchapter, as well as in the Property Maintenance subchapter. The proposed ordinance clarifies and updates the property maintenance standards by moving them all under the heading of General Provisions. The current subchapter on Graffiti remains the same except for renumbering.

Next, the new subchapter on Administrative Procedures for Abatement of Nuisances replaces the abatement procedures contained in both the current General Provisions and the current Property Maintenance subchapters. Another new subchapter has also been added to address the recordation of a notice of substandard property, and for the recovery of code enforcement fees and attorney's fees, as well as other general provisions.

The current subchapters on Property Maintenance and Administrative Charges will be deleted, since the issues contained in these subchapters are addressed in the new ordinance. The provision in Section 9.04.425, pertaining to the composition of the Municipal Code Appeals Committee ("MCAC"), is being moved to the General Provisions in Chapter 1.01. Staff recommends that public nuisance appeal hearings set out in the new ordinance are heard by an impartial hearing officer rather than by the MCAC.

The proposed changes to Chapter 9.04 are as follows:

General Provisions

- A. Section 9.04.005, Purpose, has been amended to reflect the overall intent of the Chapter.
- B. Section 9.04.010, Penalty, has been deleted; the penalty provisions are now included in Section 9.04.040. New Section 9.04.010 sets forth the definitions which apply to the Chapter.
- C. Sections 9.04.015 "Prohibited Public Nuisance Conditions on Real Property" is new, and sets forth a comprehensive list of property maintenance standards, and makes any violation of the standards a

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public nuisance. (Previously, property maintenance standards were contained in Sections 9.04.400 and 9.04.405. The requirements were general in some cases and may be subject to varying interpretation. Additionally, staff had reviewed property maintenance codes from surrounding cities to determine if the CCMC was comparable to other codes when describing conditions that may constitute a violation and which would clearly apply to conditions that may exist. Sections 9.04.400 and 9.04.405 were adopted in 1965, and no modifications to these sections have been made since their original adoption.)

- D. Three sections detailing various prohibited nuisance conditions remain the same:
 - (1) Section 9.04.020 "Nuisances Declared and Prohibited";
 - (2) Section 9.04.025 "Nuisances Affecting Public Safety, Dangerous Conditions, Fire Hazards and the Like;" and
 - (3) Section 9.04.030 "Nuisances Affecting Health; Contaminated Materials."
- E. Section 9.04.035 "Application for Permit" remains the same;
- F. Section 9.04.040, "Nuisance Prohibited" has been amended to include the penalty provisions.
- G. Section 9.04.045, "Conditions Precedent for Imposition of City Lien" has been deleted. Abatement liens in favor of the City are addressed in new subchapter 9.04.100 et seq. entitled "Administrative Procedures for Abatement of Nuisances." New Section 9.04.045 sets forth the maintenance standards for vacant properties, which are in addition to any other requirement in the chapter.
- H. Sections 9.04.050 through 9.04.075 pertaining to abatement by the City have been repealed and deleted.

Administrative Procedures for Abatement of Nuisances

This new subchapter, numbered 9.04.100 et seq., is added to Chapter 9.04, and sets forth comprehensive and up to date due process procedures for the abatement of nuisances by the City, including notice provisions, requirements for demolition of buildings or structures by City personnel, rights of appeal, review by an impartial hearing officer, abatement of imminent hazards, and recovery by the City of the costs of abatement.

Recordation, Enforcement Fees and Attorney's Fees

A new subchapter 9.04.200 et seq. has been added to set out the procedure by which the City may record a notice of substandard property. The new subchapter also provides for the recovery of code enforcement fees by the City, and for the recovery of attorney's fees by the prevailing party in certain instances.

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Graffiti

The subchapter on Graffiti remains the same; it has been moved from 9.04.200 et seq. to 9.04.300 et seq.

FISCAL ANALYSIS:

There may potentially be an incremental increase or decrease in revenue generated by penalties for failure to rectify property maintenance violations, but staff anticipates the potential revenue to be negligible. Though Enforcement Services has authority to issue Orders to Comply and Administrative Citations, staff intends to pursue compliance with property maintenance standards through voluntary cooperation to the greatest extent possible, using fines and penalties only as a last resort.

ATTACHMENTS:

1. Proposed Ordinance
2. Current Chapter 9.04 entitled "Nuisances"
3. Notice published in Culver City News on February 26, 2009.

MOTION:

That the City Council:

Introduce an Ordinance amending Chapter 9.04 of Title 9 of the Culver City Municipal Code, entitled "Nuisances," to modify property maintenance standards and to update the procedures for administrative due process abatement of Public Nuisances; and, amending Chapter 1.01 of Title 1 to relocate the definition of the composition of the Municipal Code Appeals Committee from Chapter 9.04.

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Meeting Date: 04/06/09		Item Number: <u>A-2</u>	
AGENDA ITEM: Authorization to Issue a Letter of Support Regarding Assembly Bill 139 Related to Authorizing the Los Angeles County Flood Control District to Collect Fees Only if Approved by Voters in Compliance with Article XIII D of the California Constitution (Proposition 218)			
Contact Person/Dept.: Steve Finton or Shelly Wolfberg		Phone Number: (310) 253-6406 or (310) 253-6008	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Public Notification: Master E-Mail Notification List (04/01/09).			
Department Approval: Sol Blumenfeld (04/01/09)		City Attorney Approval: Carol Schwab (by H. Baker) (04/01/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/01/09)		City Manager Approval: Jerry B. Fulwood (04/01/09)	

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager to issue a letter of support to California State Assembly Member Julia Brownley indicating Culver City's support for Assembly Bill 139, related to authorizing the Los Angeles County Flood Control District to collect fees if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218)

BACKGROUND:

The Los Angeles County Flood Control District (District) was created in 1915 through adoption of the Los Angeles County Flood Control Act (Act). The District includes all of Los Angeles County south of Avenue S in the City of Palmdale. The Act empowered the District to provide flood protection, water conservation, water quality protection, recreation and aesthetic enhancement within its boundaries. The District is currently authorized to generate funding through ad valorem taxes and benefit assessments only.

Total Maximum Daily Load (TMDL) regulations adopted by the State require that all agencies meet strict water quality standards. The TMDLs require that measures be taken on a watershed-wide basis with participation by all agencies including the District, Cities and Los Angeles County. Plans to meet the TMDLs are being developed by each watershed group. The plans will include large regional construction projects and local projects and programs to treat smaller areas.

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Countywide cost estimates place the cost of compliance with the TMDLs in the billions of dollars. Revenues currently collected by the District are not sufficient to fund projects and programs required to meet the TMDLs. Culver City is currently funding its storm water program through the General Fund and does not collect revenues specifically for TMDL compliance.

DISCUSSION:

The District currently collects a Flood Control Benefit Assessment (Assessment) from property owners within the District. This Assessment is apportioned to all parcels in the District based on the benefit each parcel receives from flood control facilities provided by the District. The benefit apportionment and assessment is based on the quantity of storm water discharged from each parcel calculated using lot size and land use. A 50-foot-wide by 100-foot-deep single family residential parcel currently pays \$21.71 per year.

The assignment of benefit for water quality improvements is not as simple to calculate. Benefit would be based on factors such as proximity and access to an improved water body and it is expected that such benefit assignment would be challenged and impractical to defend. The District proposes instead to charge a parcel fee based on the potential quantity of pollutants discharged from a parcel. This type of charge would be considered a fee as it would be funding the service of acceptance and mitigation of pollutants by the District.

AB 139

As the District is currently restricted to generating revenues through ad valorem taxes and/or benefit assessments, an amendment to the Act is required for the District to charge a fee. AB 139 (AB139) would amend Sections 2 and 16 of the Los Angeles County Flood Control Act to permit the imposition of fees or charges if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218).

AB 139 was authored by Assemblywoman Julia Brownley (41st Assembly District) and was introduced with its first reading on January 20, 2009. The Bill was referred to the Committee on Local Government on March 3, 2009.

Clean Water, Clean Beaches Initiative

If AB 139 is signed into law, the District will submit the "Clean Water, Clean Beaches Initiative" for voter consideration. The initiative is currently being drafted and would request voter approval to charge a fee on property tax bills for TMDL compliance. The amount of the proposed fee would be determined through an engineering analysis that calculates the cost of TMDL compliance and the services attributable to

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each parcel. Ballots would be issued to property owners in Spring 2010 with a simple majority voter approval required to pass. If the initiative passes, the fee would appear on FY 2011-12 property tax bills.

District representatives indicate that most of the funds generated by the initiative would be retained by the District for regional TMDL projects and programs. An undetermined portion of the funds would be allocated to Cities for local TMDL compliance.

Letter of Support

A City Council position in support of AB 139 would be consistent with the City Council-adopted Legislative Advocacy Program. The District is requesting that agencies within the District provide letters of support for AB 139.

FISCAL ANALYSIS:

There is no fiscal impact caused by issuing the recommended letter of support. If AB139 and the Clean Water, Clean Beaches Initiative passes, an undetermined amount of additional funding would be available to the District and City for TMDL compliance.

ATTACHMENTS:

1. AB 139

MOTION:

That the City Council:

Authorize the City Manager to issue a letter of support to California State Assembly Member Julia Brownley indicating Culver City's support for Assembly Bill, 139 related to authorizing the Los Angeles County Flood Control District to collect fees only if approved by voters in compliance with Article XIII D of the California Constitution (Proposition 218).