REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

July 22, 2013
5:00 p.m.

Call to Order & Roll Call

Mayor Cooper called the meeting of the City Council to order at 5:00 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 5:00 p.m., the City Council recessed 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 Conference with Legal Counsel - Existing Litigation
Re: Joan Mary Higgins v. City of Culver City
Case No. SC116786
Pursuant to Government Code Section 54956.9(d)(1)

CS-3 Conference with 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 7:09 p.m. with all Councilmembers present.

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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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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Desmond Burns.

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Presentations

Item P-1

Presentation to the City Council Regarding the 100th Anniversary of a Speech Delivered by Culver City Founder Harry Culver

Julie Lugo Cerra, City Historian and Culver City Historical Society representative, provided background on Harry Culver; discussed the founding of the City; the transformation into the Heart of Screenland; and the speech given by Harry Culver on his vision for the City.

Councilmember Clarke recited Harry Culver's speech on his vision for a new City.

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Item P-2

Presentation of Certificates of Recognition to Former Members of the City's Commissions, Committees, and Boards

Councilmember O'Leary presented certificates of recognition for former Cultural Affairs Commissioner Gayle Smashey, former Planning Commissioner Anthony Pleskow, and former Landlord/Tenant Mediation Board Member Seth Weiner.

Mayor Cooper presented a certificate of recognition to Steven Reitzfeld former member of the Landlord Tenant Mediation Board.

Councilmember Weissman presented certificates of recognition for former Cultural Affairs Foundation Board Member Sofia

Klatzker and former Cultural Affairs Commissioner Marlyn Musicant.

Vice Mayor Sahli-Wells presented certificates of recognition for former Planning Commissioner John Kuechle and former Civil Service Commissioner Sandy Stivers.

Councilmember Clarke presented certificates of recognition for former Cultural Affairs Foundation Board Member Christine Hardin and former Committee on Homelessness Member Cliff Moser.

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Item P-3

Presentation to the City Council Regarding the City's Customer Relationship Management System.

Mayor Cooper announced that the item had been postponed to a future meeting.

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Community Announcements By City Council Members/Information Items From Staff

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF SHELLERIE WILLIAMS, OWNER AND OPERATOR OF THE CRYSTAL ROSE ON JEFFERSON BOULEVARD.

Vice Mayor Sahli-Wells encouraged everyone to volunteer for a creek clean up organized by Ballona Creek Renaissance on July 27.

Mayor Cooper announced the Dine and Donate Fundraiser at Akasha Restaurant on July 31 with 10% of the proceeds donated to benefit *Music in the Chambers*, and he received City Council consensus to direct the Parks, Recreation and Community Services Commission to consider the enhancement of the City Anti-Bullying Policy and Procedure for all park programs and facilities.

Lieutenant Jason Sims, Culver City Police Department, invited everyone to participate in National Night Out on August 6 in Lindbergh Park.

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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:

David VonCannon, Tellefson Park Neighborhood Association, discussed the opening of Tilden Terrace; displayed a sample gift bag given to new residents; discussed the new intersection; retail tenants; and he expressed appreciation to the City for the completion of the project.

Richard Rownak expressed concern with the violation of City law by 4355 Sepulveda; discussed City notice to the property owner; parking in the area; the petition submitted by concerned neighbors; and he questioned when the enclosure would be removed.

Discussion ensued between staff and Councilmembers regarding parking; clarification regarding the tenant and whether there is a use currently going on; the outdoor use; and non-responsiveness to the Planning Division's letter.

Ronnie Jayne announced the upcoming Fiesta La Ballona and thanked sponsors and those working on the event.

Donna LeBlanc requested additional discussion regarding traffic mitigations in the Lucerne and Higuera area; using stop signs to slow traffic on Higuera; and she asked if the cul de sac at the corner of Hayden and Higuera could be permanent rather than temporary as it is now.

Gabe Garcia, Traffic Engineer, agreed to speak with Ms. LeBlanc to discuss the issues further.

Robert Greenberg, Davinci High School, expressed concern with a sign in need of repair welcoming people to the City on Sepulveda Boulevard and he offered to help.

Discussion ensued between staff and Councilmembers regarding support for the project and assurance that staff would meet with Mr. Greenberg.

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Receipt of Correspondence

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE 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 AND SUCCESSOR AGENCY AGENDA ITEM: Cash Disbursements

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JUNE 29, 2013 - JULY 12, 2013.

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Consent Calendar

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-2 THROUGH C-5 WITH VICE MAYOR SAHLI WELLS ABSTAINING FROM VOTING ON THE INTERSECTION OF LUCERNE AND LAFAYETTE IN ITEM C-4.

Item C-1

Adoption of an Ordinance Amending Sections 3.05.015.D and 3.05.015.F of the Culver City Municipal Code Relating to Exemptions to the Classified Service

Mayor Cooper reported that item C-1 had been deferred to a future meeting.

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Item C-2

(1) Acceptance of Work Performed by Carvajal Trucking & Tractor, Inc., (2) Authorization to File the Notice of Completion, and (3) Authorization to Release the Retention Payment after the Expiration of the 35-day Lien Period, for the

2012/2013 CDBG Sidewalk Replacement Project, PZ963, CDBG No. 601474-12

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY CARVAJAL TRUCKING & TRACTOR, INC. FOR THE 2012 CDBG SIDEWALK REPLACEMENT PROJECT, PZ963, CDBG NO. 601474-12; 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; AND,

3. AUTHORIZE THE CITY MANAGER TO RELEASE $2,877.65 IN RETENTION TO CARVAJAL TRUCKING & TRACTOR, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-3

(1) Approval of the Final Plans and Specifications and (2) Authorization to Publish a Notice Inviting Bids for the Pedestrian Improvement for Intersections with Bus Stops Project, P-950, Federal Project No. RPSTPLE 5240 (029)

THAT THE CITY COUNCIL:

1. APPROVE THE PLANS AND SPECIFICATIONS FOR PEDESTRIAN IMPROVEMENT FOR INTERSECTIONS WITH BUS STOPS PROJECT, P-950, FEDERAL PROJECT NO. RPSTPLE 5240 (029); AND

2. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR THE PEDESTRIAN IMPROVEMENT FOR INTERSECTIONS WITH BUS STOPS PROJECT, P-950, FEDERAL PROJECT NO. RPSTPLE 5240 (029).

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Item C-4

(1) Approval of the Final Plans and Specifications and (2) Authorization to Publish a Notice Inviting Bids for Construction of the Linwood E. Howe Safe Routes to School Project, PZ941

Vice Mayor Sahli-Wells indicated the need to abstain from a portion of the item.

Cary Anderson reported participating in the Safe Routes to School Committee for Linwood Howe and he asserted that aside from infrastructure, the safest way to address the issue is with personnel.

THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE LINWOOD E. HOWE SAFE ROUTES TO SCHOOL PROJECT, PZ941; AND

2. AUTHORIZE PUBLICATION OF A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE LINWOOD E. HOWE SAFE ROUTES TO SCHOOL PROJECT, PZ941.

Vice Mayor Sahli-Wells exited the dais.

MOVED BY COUNCILMEMBER WEISSMAN AND SECONDED BY COUNCILMEMBER O'LEARY THAT THE CITY COUNCIL APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE LINWOOD E. HOWE SAFE ROUTES TO SCHOOL PROJECT PZ941 CONCERNING LUCERNE AND DUQUESNE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	CLARKE, COOPER, O'LEARY, WEISSMAN
NOES:	NONE
ABSTAIN:	SAHLI-WELLS

Vice Mayor Sahli-Wells returned to the dais.

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Item C-5

Approval of a Professional Services Agreement with Csched to Provide Runcutting and Scheduling Services for Culver Citybus in an Amount Not-to-Exceed $54,928, with an Option for a Three (3) Year Retainer to Provide Similar Services at the Rates Specified in this Report

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CSCHED TO PROVIDE RUNCUTTING AND SCHEDULING SERVICES FOR CULVER CITYBUS IN AN AMOUNT NOT TO EXCEED $54,928, WITH AN OPTION FOR A THREE (3) YEAR RETAINER, NOT TO EXCEED $15,000 PER YEAR, TO PROVIDE SIMILAR SERVICES AT THE RATES SPECIFIED IN THIS REPORT; AND,

2. AUTHORIZE THE TRANSPORTATION DIRECTOR TO APPROVE CHANGE ORDERS IN THE AMOUNT OF $7,500 (~14%) FOR UNEXPECTED ADDITIONAL COSTS; 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.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Sewer User's Service Charge - Fiscal Year 2013/2014

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICE AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

Mate Gaspar, Public Works, provided a summary of the material of record noting that 40 letters of protest had been received and distributed to Councilmembers.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Cooper invited public participation.

The following members of the audience addressed the City Council:

Juliana Perez expressed opposition to the increase noting the difficult economy; the recent sales tax increase; she questioned why residents had to pay for the increase; and discussed the school bond.

Francisco De La Cruz discussed the increase; capital improvements; infrastructure; maintenance and operations; the three-year plan; the rate; capital management; and he questioned whether there is a master plan, and whether there is a fixed percentage going toward future projects.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Councilmembers regarding the five-year financial plan by NBS; ongoing capital projects; metering wells; emergency notification systems; upcoming projects; clarification that the sewer charge is a service charge rather than a tax and the fee is based upon usage; base charges to support the system; changes to the rate formula; percentage increases; variable charges; public notice; calculations; consequences to not increasing the charges; the five-year study; capital and operational needs; fixed costs; Edison; the City of Los Angeles; fuel costs; costs that the City has no control over; sewage overflows; calculations; exact costs; the jump in the base fee; reductions to the variable cost; effects to the average monthly bill; clarification that last year the decreases were implemented without the increase; commercial rates vs. residential rates; reducing usage; potential partnerships; the importance of the service; clarification that the City is not allowed to make a profit on the service; the notification; mandates; languages and formulas that are required to be used; the fee study; accurately reflecting usage; true costs; monitoring any significant variances from the report; and clarification that a majority protest did not exist.

MOVED BY VICE MAYOR SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: (A MAJORITY PROTEST NOT PRESENTED) ADOPT THE RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR SEWER USER'S SERVICE CHARGE FOR FISCAL YEAR 2013/2014.

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Item PH-2

Introduction of an Ordinance - Housing Element Related Zoning Code Text Amendments: ZCA P-2012006 Affecting Emergency Shelters, Transitional Housing, and Supportive Housing; and Zoning Code Amendment, ZCA P-2012040 Affecting Single Room Occupancy Housing, Reasonable Accommodations, and Definition of Family

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICE AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

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

Jose Mendivil, Associate Planner, provided a summary of the material of record.

Mayor Cooper invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson read an excerpt of minutes from the February 22, 2012 Planning Commission meeting; discussed supportive housing; parking requirements; an experience with his neighbor who was required to have four parking spaces based on his lot size; the number of residents at the supportive home; the location of a business in a residential area; resident decision to seek preferential parking; and enforcement.

Discussion ensued between staff and Councilmembers regarding the ratio of parking spaces to beds; practices of other cities; employee parking; proximity to services; public transportation; minimum lot size; development constraints; code amendments necessary to comply with state law; addressing state concerns; bringing the City code into compliance with state law; the definition of family; a proposed workshop with the next cycle of the Housing Element; good faith efforts of the City; Brown Act compliance; an upcoming joint workshop with the City Council and Planning Commission; whether the changes would preclude Upward Bound House from existing; parking requirements; clarification that supportive housing is considered based on the zone it is located within just as other housing is; existing units; legal non-conformities; concern with effects to existing services in the community; emergency shelters; reasonable accommodation; homelessness; ramifications of falling out of compliance; options of residents once the item is approved; selecting a target area for the use; lot size; areas less protected under the zoning ordinance; industrial areas; resident notification; the east Washington area; and previous meetings and workshops held on the item.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE THE PROPOSED ORDINANCE APPROVING ZONING CODE AMENDMENTS, ZCA P-2012006 AND ZCA P-2012040.

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Action Items

Item A-1

1) Consideration of the Exposition Light Rail Station Pilot Circulator Service; 2) (If Desired) Approval of a Professional Services Agreement with Transportation Concepts for the Operation of the Exposition Light Rail Station Pilot Circulator Service in an Amount Not-to-Exceed $197,731 (with an Option to Extend the Contract for One Year with an Additional Two-Year Extension in an Amount Not-to-Exceed $268,507 Per Year); and 3) Direction to the City Manager Related to Scheduling an Evaluation of the Pilot Program after Six Months of Operation

Art Ida, Transportation Director, provided a summary of the material of record.

Discussion ensued between staff and Councilmembers regarding allowing sufficient time to evaluate the program; the pilot program; extensions; funding mechanisms; and a suggestion to evaluate the program before it has ended.

Mayor Cooper invited public participation.

The following members of the audience addressed the City Council:

Seth Horowitz, The Culver Hotel, reported widespread support for the proposed program; discussed people from the Hayden Tract that drive downtown for lunch; a belief that the shuttle would enable and encourage those in the Hayden Tract to lunch in the downtown area; and additional transportation concepts.

Mayor Cooper received clarification that Mr. Horowitz had not discussed an assessment district with area businesses.

Eric Sims, Culver City Downtown Business Association, expressed support for the program and gratitude to the City; discussed economic development in the City; marketing partnerships; improving the lunchtime experience for Hayden Tract users; traffic and parking issues; creating a financially sustainable model for the shuttle in the future; and an assessment district.

Discussion ensued between Councilmembers and Mr. Sims regarding potential marketing partnerships and "Citizen Twain" at the Kirk Douglas Theatre.

Steven Rose, Culver City Chamber of Commerce, clarified who is allowed to speak on behalf of the Chamber of Commerce; discussed concerns with the pilot program; planning; burdens on property owners and businesses; location of the bus stops; concern with the lack of consultation with the Hayden Tract; and costs of the program.

Discussion ensued between staff and Councilmembers regarding appearance of the buses; marketing; concern with costs; use of transportation funds; concern that the pilot program does not have a future; using City buses; real time information; providing for wider public use; the best use of public money; Hayden Tract employers that do not want their employees to leave at lunch time; beneficiaries of the program; designing the program so that it succeeds; a formal employee survey for the Hayden Tract; average cost per trip; the number of riders needed to make the service worthwhile; increasing ridership on buses vs. the shuttle; extending Line 7 to go to the Hayden Tract; outreach; increasing commuter capacity; subsidies; adding a delivery component to the shuttle; service from the Expo to downtown; support from the property owners; having the DBA pay for a shuttle to bring people downtown; starting a pilot bike share program; a suggestion to refer the item to staff for further study; and allowing the pilot program to go forward to help businesses see the value of a shuttle.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER WEISSMAN THAT THE CITY COUNCIL:

1. CONSIDER THE PROPOSED EXPO PILOT CIRCULATOR AND DIRECT THE CITY MANAGER TO MOVE FORWARD WITH THE PROPOSED EXPO PILOT CIRCULATOR; AND

2. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TRANSPORTATION CONCEPTS FOR THE OPERATION OF THE EXPO PILOT CIRCULATOR IN AN AMOUNT NOT-TO-EXCEED $197,731 (SCENARIO 2), WITH AN OPTION TO EXTEND THE CONTRACT FOR ONE YEAR WITH AN ADDITIONAL TWO-YEAR EXTENSION IN AN AMOUNT NOT-TO-EXCEED $268,507 PER YEAR; 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. DIRECT THE CITY MANAGER TO RETURN TO THE CITY COUNCIL WITHIN 30 DAYS AFTER SIX MONTHS OF OPERATION OF THE EXPO PILOT CIRCULATOR WITH AN EVALUATION OF THE PROGRAM. THE MOTION FAILED BY THE FOLLOWING VOTE:

AYES:	O'LEARY, WEISSMAN
NOES:	COOPER, SAHLI-WELLS
ABSTAIN:	CLARKE

Additional discussion ensued between staff and Councilmembers regarding the inability to change stops or the route once the program has begun; the need for additional discussion; a suggestion to move forward if interested parties would commit to contributing 20% of the costs of the pilot program; and having the DBA reach out to the Hayden Tract with their own pilot program.

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Item A-2

Discussion and Direction Regarding a Proposed New Parking

Meter Rate of $0.25 Per Hour at 10-Hour Time-Limited Parking Meters Citywide

Councilmember O'Leary received clarification that he did not need to recuse himself from the item.

Mayor Cooper invited public input.

The following members of the audience addressed the City Council:

Jerry Dezern, HOK, requested that the City Council not install parking meters in front of his business; discussed his clientele; outreach to property owners and business leaders in the area; and parking for City employees

Cary Anderson discussed cause and effect; the increase in the meter rate and decrease in parking; enforcement; green curb parking; two-hour parking; a suggestion to charge $0.25 per hour in the Ince parking structure; and downtown employees.

Discussion ensued between staff and Councilmembers regarding clarification that meter rates are under consideration; rate reductions; the prevailing 10-hour rate; the pilot project; surveying; City employee parking; meters by the Scenic Overlook; length of the pilot program; concern with neighborhood intrusion; measuring the utilization of the meters; and signage.

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Public Comment - Items Not on the Agenda

Mayor Cooper invited public comment.

The following member of the audience addressed the City Council:

Robert Zirgulis discussed the previous joint use agreement with the Culver City Unified School District and the City for the natatorium; support by the Culver City Democratic Club for repair of the pool; the joint use agreement with The Plunge; the water polo team; and he wanted to see a new joint use agreement with the School District for the natatorium.

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Items from the City Council

None.

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Adjournment

There being no further business, at 10:34 p.m., the City Council adjourned its meeting in memory of Shellerie Williams to a meeting on Monday, August 12, 2013 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