

THESE MINUTES ARE NOT OFFICIAL  
UNTIL APPROVED BY THE  
CITY COUNCIL

SPECIAL MEETING OF THE  
CITY COUNCIL, CITY OF CULVER CITY,  
CALIFORNIA

December 5, 2011  
7:04 p.m.

**Call to Order & Roll Call**

The meeting of the City Council was called to order at 7:04 p.m.

Present: Micheál O'Leary, Mayor  
D. Scott Malsin, Vice Mayor  
Christopher Armenta, Councilmember  
Jeffrey Cooper, Councilmember  
Andrew Weissman, Councilmember

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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 Fred Yglesias.

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**Closed Session Report**

Councilmember Malsin indicated that no Closed Session had been held.

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**Community Announcements by City Council Members/Information Items from Staff**

Mayor O'Leary announced that the Culver City High School Centaurs football team would be playing in the CIF finals in San Luis Obispo on December 9, 2011; and he reported on Small Business Saturday held this past weekend and he thanked the Chamber of Commerce for their support.

Councilmember Malsin thanked City staff and the Downtown Business Association for their efforts in making the Tree Lighting ceremonies a success.

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### **Adjourn in Memory**

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN, AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF JACQUELINE REGNIER RIVERA, MOTHER OF JOHN RIVERA, SENIOR MANAGEMENT ANALYST.

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### **Joint Public Comment - Items Not on the Agenda**

Councilmember Malsin invited public comment.

The following members of the audience addressed the City Council:

Fred Yglesias discussed his experiences serving in World War II.

Karen Coyle, Culver City Historical Society, extended an invitation to attend the ceremony for the placement of Historical Marker #13 at the Veterans Memorial building on December 10, 2011.

Karlo Silbiger, member, Culver City School Board, extended an invitation to attend the swearing in of two new School Board members on December 13, 2011 at Linwood Howe School Auditorium. Mr. Silbiger noted difficulties with holding meetings at that location; he thanked the City Council for allowing them to use the City Council Chambers once per month for School Board meetings; and he requested that the City work to accommodate the School Board with a second meeting per month in the Council Chambers.

Cary Anderson provided pictures of crowds for midnight showings at the Pacific Theaters that extend into the neighborhoods and leave trash and graffiti behind; he discussed the inadequacy of the clean up efforts, noting that he felt it was the responsibility of the movie theatre to clean up the mess; he suggested having the theatre provide larger trash cans for those people waiting in line; and he discussed a decaying Styrofoam façade on Culver Boulevard.

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Public Comment  
(continued)

Councilmember Malsin requested that staff work with the movie theatre to provide trash receptacles.

Councilmember Armenta received clarification as to when the pictures were taken.

At this time, Martin Cole, Assistant City Manager/City Clerk, announced that Time Warner was experiencing difficulties with cable transmission of this meeting.

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**Receipt of Correspondence**

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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**Joint Consent Calendar**

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY MAYOR O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE JOINT CONSENT CALENDAR ITEMS JC-1 AND JC-1.

Item JC-1

**Agency Board Receipt and Filing of the State Controller's Report and Related Documents for Fiscal Year 2010/2011, and Transmittal of Such Report to the City Council and State Controller's Office**

THAT THE CITY COUNCIL AND AGENCY BOARD RECEIVE AND FILE THE CULVER CITY REDEVELOPMENT AGENCY'S ANNUAL REPORT FOR FISCAL YEAR 2010/2011 (INCLUDING THE BLIGHT PROGRESS REPORT, LOAN REPORT AND PROPERTY REPORT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33080).

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Item JC-2

**Approval of a First Amendment to the Disposition and Development Agreement By and Between The Culver City Redevelopment Agency, The City of Culver City, and Tilden Terrace, L.P.**

THAT THE CITY COUNCIL AND AGENCY BOARD:

1. APPROVE A FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CULVER CITY REDEVELOPMENT AGENCY, THE CITY OF CULVER CITY, AND TILDEN TERRACE, L.P.; AND,
2. AUTHORIZE THE CITY ATTORNEY/CITY SPECIAL COUNSEL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY OF CULVER CITY.

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**Consent Calendar**

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY MAYOR O'LEARY, AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 AND C-4 THROUGH C-8.

Item C-1

**Meeting Minutes**

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE SPECIAL MEETING OF NOVEMBER 7, 2011 AS SUBMITTED.

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Item C-4

**Approval of an Agreement with Complete Coach Works for the Removal and Installation of the Orbital/ACS SmartBus Systems on Twenty Old and New Transit Buses in an Amount Not to Exceed \$228,941.**

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH COMPLETE COACH WORKS IN AN AMOUNT NOT TO EXCEED \$228,941 (\$222,273 PLUS \$6,668 IN 3% CONTINGENCY) FOR THE REMOVAL AND REINSTALLATION OF SMARTBUS/AVL EQUIPMENT FROM AND INTO TWENTY TRANSIT BUSES, 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-5

**Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Bristol Parkway.**

THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R095 APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE; 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-6

**(1) Acceptance of Work Performed by ACCO Engineered Systems;  
(2) Authorization to file a Notice of Completion; and (3)  
Authorization to Release the Retention Payment after the  
Expiration of the 35-Day Lien Period for the Veterans Memorial  
Building Chiller and Boiler Replacement Project, P-132.**

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, ACCO ENGINEERED SYSTEMS, FOR THE WORK PERFORMED FOR THE VETERANS MEMORIAL BUILDING CHILLER AND BOILER REPLACEMENT PROJECT, P-132; 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 FOR RECORDATION; AND,
3. AUTHORIZE THE RELEASE OF \$18,845.30 IN RETENTION FUNDS TO ACCO ENGINEERED SYSTEMS FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-7

**Award of a Construction Contract to Sequel Constructors, Inc. for the Baldwin Avenue (Braddock Drive to Farragut Drive) Street Improvement and Rain Garden Project, P-428.**

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO SEQUEL CONTRACTORS, INC. FOR THE BALDWIN AVENUE STREET IMPROVEMENT AND RAIN GARDEN PROJECT, P-428, IN THE AMOUNT OF \$267,167.50, BASED ON ITS BASE BID; AND,
2. INCLUDE IN THE ABOVE CONTRACT AWARD "ADD ALTERNATE #2 FOR SIDEWALK, CURB, AND GUTTER REPAIR" IN THE AMOUNT \$45,990.00; AND,
3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED \$45,000, IF NECESSARY; AND,
4. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
5. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-8

**(1) Reject Bids submitted by Rafael 26 Construction, Inc. and Araghi Corporation; and (2) Award a Construction Contract to Hoffman Management and Construction Corporation for the Construction of Fire Station #1 Exterior Staircase Reconstruction Project, P-931.**

THAT THE CITY COUNCIL:

1. REJECT THE BIDS SUBMITTED BY RAFAEL 26 CONSTRUCTION, INC. AND ARAGHI CORPORATION DUE TO ITS BIDS BEING NON-RESPONSIVE; AND,
2. AWARD A CONTRACT TO HOFFMAN MANAGEMENT AND CONSTRUCTION CORPORATION FOR THE FIRE STATION #1 EXTERIOR STAIRCASE RECONSTRUCTION PROJECT, P-931, IN THE AMOUNT OF \$52,857.75, BASED ON ITS BASE BID; AND,
3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED \$12,412.25, IF NECESSARY; AND,
4. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
5. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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December 5, 2011

The following Joint Consent Calendar item was discussed and voted on separately:

Item JC-3

**Approval of (1) an Exclusive Negotiation Agreement and (2) a License Agreement between the City of Culver City, the Culver City Redevelopment Agency and Habitat for Humanity of Greater Los Angeles for the Development of the City/Agency-Owned Site located at 4044-4068 Globe Avenue for Low and Moderate Income Ownership Housing.**

The following members of the audience addressed the City Council:

Gary Reissman expressed concern with potential traffic and parking issues with the proposed Habitat for Humanity development; he felt that the residents would park on the street and drive traffic on to Sawtelle Boulevard, making it difficult for them to park in front of their houses; he noted the danger of pulling out of their driveways; he reported that current Globe Avenue residents want to institute restricted parking on Globe Avenue; and he requested that parking studies be done and parking issues addressed before everything is approved.

Councilmember Malsin suggested agendizing the creation of a permit-parking district on Sawtelle Boulevard and in the area of the proposed new development at Washington and Sawtelle Boulevards.

Audience participation continued:

Gary Silman alleged inadequate notification for this item and felt the item should be postponed; asserted that the development was contrary to the original intention of the redevelopment purchase; and he expressed concern that the alleged agreement that no trees were to be touched would be breached.

Cary Anderson discussed parking enforcement in the area and opined that creating parking districts did not solve the issues.

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Item JC-3  
(continued)

Discussion ensued between the City Council and staff regarding the process; the Exclusive Negotiation Agreement; direction with regard to trees and parking; the Development and Disposition Agreement; public notice procedures; covered parking; future opportunities to work out details; and clarification that the reduction in units was a result of community comments.

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER COOPER, AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) WITH HABITAT FOR HUMANITY OF GREATER LOS ANGELES FOR THE PREPARATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF 10 AFFORDABLE OWNERSHIP HOUSING UNITS LOCATED AT 4044-4068 GLOBE AVENUE; AND,
2. APPROVE A LICENSE AGREEMENT WITH HABITAT FOR HUMANITY OF GREATER LOS ANGELES AND THE CITY TO PERFORM DUE DILIGENCE ON THE CITY-OWNED PROPERTY LOCATED AT 4044-4068 GLOBE AVENUE; AND,
3. AUTHORIZE THE CITY ATTORNEY/CITY SPECIAL COUNSEL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
4. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

Councilmember Malsin requested and received City Council consensus to look into creating a permit-parking district on Globe Avenue.

Councilmember Weissman received clarification regarding the proposed study of City parking districts.

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December 5, 2011

The following Consent Calendar items were discussed and voted on separately:

Item C-9

**Approval of a Memorandum of Understanding/Lease Agreement with the Friends of the Culver City Scout House and the Culver City Rock and Mineral Club, Inc. for the Renovation/Repairs and Leasehold Interests in the Property Located at 10866 Culver Boulevard (the Scout House).**

The following member of the audience addressed the City Council:

Gary Silbiger opined that there were several items on the Consent Calendar that were not considered routine and should have public input; expressed concern with the alleged lack of public input and the need for a fair and open procedure; felt the required improvements should be listed and itemized with the total amount spent listed; opposed the process being followed; supported soliciting additional proposals; expressed concern with sole source bids; he noted that the contract was not contained in the staff report; asked about usage of the property by other organizations; expressed opposition to the privatization of parks and other buildings in them; and he asked that there be additional outreach and that other organizations be allowed to submit proposals.

Discussion ensued between the City Council and staff regarding the current state of the building; the process; the length of commitment; the Parks Master Plan; whether other groups want to use the property; the original tenant of the hut; clarification that the use is non-exclusive so while the groups have priority use, it is still available to other groups as well; and it was noted that the facility has been unusable due to needed repairs.

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Item C-9  
(continued)

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY MAYOR O'LEARY  
AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE A MEMORANDUM OF UNDERSTANDING/LEASE AGREEMENT BY  
AND AMONGST THE CITY, FRIENDS OF THE CULVER CITY SCOUT  
HOUSE, AND THE CULVER CITY ROCK AND MINERAL CLUB, INC ;  
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-2

**Allocation of Funds for the 2012 Performing Arts Grant  
Program as Recommended by the Cultural Affairs Commission.**

Councilmember Cooper received clarification that Brasil  
Brasil Cultural Center and Washing Day Coin Laundry are  
both located within Culver City.

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER  
WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL  
ALLOCATE FUNDS FOR THE 2012 PERFORMING ARTS GRANT PROGRAM  
AS RECOMMENDED BY THE CULTURAL AFFAIRS COMMISSION AND AS  
OUTLINED IN THE STAFF REPORT.

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December 5, 2011

Item C-3

**Adoption of a Resolution Approving a Three (3) Year Memorandum of Understanding with the Culver City Fire Management Group for the Period of January 1, 2012 through December 31, 2014, with the Option of an Additional One (1) Year Extension.**

Councilmember Armenta thanked the Culver City Fire Management Group and staff for their work on the Memorandum of Understanding.

MOVED BY COUNCILMEMBER ARMENTA, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2011-R094 APPROVING A THREE (3) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CULVER CITY FIRE MANAGEMENT GROUP FOR THE PERIOD OF JANUARY 1, 2012 THROUGH DECEMBER 31, 2014, WITH THE OPTION OF AN ADDITIONAL ONE (1) YEAR EXTENSION.

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**Joint Action Items**

Item A-1

**Selection of a Developer for Negotiations to Redevelop Property Located at 9300 Culver Boulevard (Parcel B).**

Sol Blumenfeld, Community Development Director, provided a summary of the material of record.

Martin Cole, Assistant City Manager/City Clerk, reported that emails received today had been incorporated into the public record.

Councilmember Malsin invited public comment.

The following members of the audience addressed the City Council:

Darryl Cherness expressed support for the Paseo proposal due to its architectural features and the donation of a small building to be used for an arts program.

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Item A-1  
(continued)

Sandra Lozano expressed support for the Combined Properties project.

Ross Hawkins expressed concern with public notice regarding ad hoc committee meetings; creating a fair and balanced committee; the suggestion to consider a Motion Picture and Television Museum; and offers of assistance for establishing a museum.

Christopher King thanked the City Council and staff for their efforts on the project.

Marlyn Musicant discussed architecture in the City and expressed support for the Combined Properties proposal.

Adham Refaat asserted that style was not as important as a functional design; discussed the importance of energizing downtown and creating a viable downtown area; he suggested that the City challenge the developers to push the design forward to achieve a pedestrian connection; and he discussed the need for a public plaza performance area.

Julie Lugo Cerra congratulated the City on the process; commented on the length of time that the parcel has been empty; and expressed confidence in staff and the developers.

Tom Camarella expressed concern that the development be a quality project and fit in with the surrounding area; he discussed the post office property; suggested putting restrictions on the property; he questioned how much the post office lot was sold for and whether a penalty was paid for restricting the height; and he discussed benefits to the City.

Discussion ensued between the City Council and staff regarding the net profit the Redevelopment Agency received from the 9900 Culver Boulevard property.

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Item A-1  
(continued)

Audience participation continued:

Cary Anderson expressed concern with parking for the project so that the surrounding neighborhood is not affected.

Karim Sahli expressed support for the Combined Properties project due to the amount of public space provided and he discussed the integration with Town Plaza.

Meghan Sahli Wells discussed the entitlements for the site and expressed support for the Combined Properties proposal.

Marvin Snyder expressed support for the Tolkin Group.

Kevin Lachoff urged the City Council to move forward with developer selection; discussed choosing a capable and qualified developer; the importance of additional retail tenants and adequate parking; and ensuring that the selected developer delivers their project.

Goran Eriksson urged the City Council to pick a developer and move forward on Parcel B.

Steven Rose, Culver City Chamber of Commerce, expressed support for moving forward with the project and discussed the importance of small businesses.

Seth Horowitz, Culver Hotel, expressed support for moving forward with the development; concern with parking issues; and he wanted to see more retail in the area.

Jon Tolkin discussed the Tolkin Group and their eagerness to work with the City.

Renato Romano discussed parking; high quality tenants; the need for retail; Combined Properties; the value of the lot; and creating a prosperous downtown.

Elena Sweda Neff asked the City Council to move forward in choosing a developer that would provide a quality project for the City.

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Item A-1  
(continued)

Ela Valladares, Deputy City Clerk, read written comments submitted by:

Doris Levy

The City Council expressed appreciation to residents and developers for their efforts in the process.

Discussion ensued between the City Council and staff regarding requirements for the development; community participation; clarification that selecting a developer does not commit the City to selling the property; maintaining City services; design quality and creativity; the subjective nature of the decision; appreciation for the suggestion to find out what people like about the proposals; how the projects integrate with Town Plaza; improvements made to the design in response to public comment; the space between the development and Culver Studios; retaining ownership of the parking; and requiring a substantial good-faith deposit.

Following discussion, the following motion was made and voted on:

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL SELECT A DEVELOPER AND DIRECT THE CITY MANAGER/EXECUTIVE DIRECTOR TO COMMENCE NEGOTIATION ON A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COMBINED/HUDSON PACIFIC FOR REDEVELOPMENT OF 9300 CULVER BOULEVARD.

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**Public Comment for Items Not on the Agenda (Continued).**

Councilmember Malsin invited public participation.

There was no response.

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December 5, 2011

**Items from the City Council**

**Items Presented by Councilmember Armenta:**

- Received clarification regarding the road construction by Washington and National and requested staff to provide additional information.

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**Items Presented by Councilmember Cooper:**

- Discussed the importance of remembering December 7, 1941 and those who served.

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**Items Presented by Councilmember Weissman:**

- Requested an explanation from Time Warner as to why no audio for tonight's meeting was available to the public.

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**Items Presented by Mayor O'Leary:**

- Suggested placing Culver City census results and demographics available on the City website.
- Requested that flyers for the Naval Sea Cadet Program be posted on the City website if permissible.

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**Items Presented by Councilmember Malsin:**

- Requested that the City Council send a letter of support for HR3179 and S1832, the Market Place Fairness Act, requiring the collection of sales tax on internet sales.

The City Council requested additional information be provided before a letter is prepared.

- Met with a representative from the National Endowment of the Arts and discussed "Our Town" grant program. Would like the City to apply.

The City Council concurred to direct staff to research this grant program.

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**Adjournment**

There being no further business, at 9:15 p.m., the City Council adjourned its meeting in memory of Jacqueline Regnier Rivera, mother of John Rivera, Senior Management Analyst, to a meeting to be held on December 12, 2011.

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Ela Valladares  
DEPUTY CITY CLERK of the City of Culver City, California  
EX-OFFICIO CLERK of the City Council, City of Culver City,  
California

APPROVED January 9, 2012

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MICHEÁL O'LEARY  
MAYOR of the City of Culver City, California