

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

December 13, 2010
5:30 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:30 p.m.

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

Absent: Andrew Weissman, Councilmember - excused

o0o

Closed Session

The City Council will adjourn to Closed Session to discuss the following item:

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

o0o

Recess

The City Council recessed to Closed Session at 5:30 p.m.

o0o

Reconvene

The City Council reconvened its meeting at 7:04 p.m.

o0o

Invocation/Pledge of Allegiance

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

December 13, 2010

Closed Session Report

Mayor Armenta indicated that there was nothing to report out of closed session except that Closed Session Item CS-1 on the Redevelopment Agency agenda had been postponed.

o0o

Public Comment - Items Not on the Agenda

Mayor Armenta invited public comment.

There was no response.

o0o

Public Hearing

Item PH-1

(1) Allocation of Fiscal Year 2011/2012 Community Development Block Grant (CDBG) Funds; (2) Adoption of a Resolution Authorizing the Filing of the Fiscal Year 2011/2012 Application for Funding from the CDBG Program; and (3) Approval of a CDBG Reimbursable Contract with the County of Los Angeles Concerning Culver City's Fiscal Year 2011/2012 CDBG Allocation.

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

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta

NOES: None

ABSTAIN: None

ABSENT: Councilmember Weissman

Staff provided a summary of the material of record.

December 13, 2010

Item PH-1
(continued)

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER O'LEARY, THAT THE PUBLIC HEARING BE OPENED.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

Mayor Armenta invited public comment.

There was no response.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE PUBLIC HEARING BE CLOSED.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

Councilmember Cooper moved the staff recommendation.

Discussion ensued regarding the Disability Services Specialist position and concern with unfunded liabilities; re-prioritizing the list of capital projects; portions of the City eligible for relatively unrestricted use of CDBG funds; concern with changes as a result of the 2010 census; using funds for restricted purposes while available; street resurfacing; clarification that the Senior Center Loan Repayment would be complete after 2014; CDBG funding for ADA accessibility; and concern with CDBG funding for basic street work.

Councilmember Malsin proposed funding the first three priorities, with the street resurfacing project becoming the fourth priority; and using the remaining funds for ADA accessible path improvements at Fox Hills Park and Lindberg Park.

December 13, 2010

Item PH-1
(continued)

Further discussion ensued between the City Council and staff regarding funding and scheduling the resurfacing of Sherbourne Drive and Reid Avenue; concern with potential danger to the public; time sensitive issues; costs to slurry seal streets; resurfacing options; localized repairs; concern with providing ADA access to the park; alternative access to the park; potential effects of census data; clarification that ADA improvements are City-wide applicable; clarification regarding proposed projects; concern with prioritizing resurfacing over ADA projects; best use of restricted funding; other options to fund ADA compliance; the amount of the previous year's allocation; clarification that this is the first year the ADA Path of Travel at two parks was proposed for funding; increased funds available for capital projects in the future; the County funding allotment; the Lindbergh Park project; and clarification that street resurfacing is an approved expenditure of the neighborhood.

Following discussion, the following motion was made:

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

1. APPROVE THE FY 2011/2012 CDBG PROJECTS AS RECOMMENDED BY THE CDBGAC, WITH THE STREET RESURFACING PROJECT BECOMING THE FOURTH PRIORITY AND REMAINING FUNDS USED FOR ADA ACCESSIBLE PATH IMPROVEMENTS AT FOX HILLS PARK AND LINDBERG PARK; AND,
2. ADOPT RESOLUTION NO. 2010-R085 AUTHORIZING THE FILING OF THE FY 2011/2012 APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, INCLUDING ALL CERTIFICATIONS; AND,
3. DESIGNATE THE CITY MANAGER AS THE AUTHORIZED CITY OFFICIAL TO EXECUTE AND FILE ALL DOCUMENTS PERTAINING TO THE CDBG PROGRAM, INCLUDING MAKING MINOR ADJUSTMENTS TO PROJECT FUNDING TO ADDRESS THE ACTUAL FY 2011/2012 CDBG ALLOCATION; AND,

December 13, 2010

Item PH-1
(continued)

4. APPROVE THE CDBG REIMBURSABLE CONTRACT WITH THE COUNTY OF LOS ANGELES CONCERNING CULVER CITY'S FY 2011/2012 CDBG ALLOCATION; AND,
5. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
6. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

Consent Calendar

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-3.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 8, 2010 AS SUBMITTED.

o0o

December 13, 2010

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR NOVEMBER 13, 2010 TO DECEMBER 3, 2010.

o0o

Item C-3

Approval of an Amendment to the Existing Executive Employment Agreement for City Attorney Carol Schwab, Effective December 31, 2010, Extending the Term of the Agreement for 90 Days.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING EXECUTIVE EMPLOYMENT AGREEMENT FOR CITY ATTORNEY CAROL SCHWAB EFFECTIVE DECEMBER 31, 2010, EXTENDING THE TERM OF THE AGREEMENT FOR 90 DAYS; AND
2. AUTHORIZE THE HUMAN RESOURCES DIRECTOR AND ASSISTANT CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE MAYOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

o0o

December 13, 2010

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

Item C-4

Adoption of an Ordinance Accepting the Requirements of the Commission on Peace Officer Standards and Training (P.O.S.T.) Relating to the Recruitment and Training of Public Safety Dispatchers.

Mayor Armenta invited public input.

The following member of the audience addressed the City Council:

Tony Pappas questioned whether the action would allow benefits to code enforcement officers; expressed concern with increased spending during a time when money should be saved; he questioned the need for the training and the costs for it; discussed overtime; and expressed concern with addressing important items during the holidays.

Mayor Armenta indicated that the cost of the course is \$63.00 and clarified that there is no connection with Public Safety retirement.

Serene Wright, Director of Human Resources, reiterated the Mayor's comments noting that the training did not provide the position or the code enforcement officer position with Peace Officer status nor did they provide any additional benefits. She discussed Public Employee retirement law and explained procedures for reclassifying a miscellaneous employee to a safety position noting that it had never been done.

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2010-006 ACCEPTING THE REQUIREMENTS OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) RELATING TO THE RECRUITMENT AND TRAINING OF PUBLIC SAFETY DISPATCHERS.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

December 13, 2010

Item C-5

Adoption of a Resolution Approving an Encroachment Permit Agreement with Time Warner Cable for Use of the Public Right-of-Way Along Matteson Avenue (Between Tilden Avenue and the Alley East of Sepulveda Boulevard).

Responding to Mayor Armenta, Charles Herbertson, Public Works Director/City Engineer clarified that fees collected took into account all costs including time spent by parties involved in reviewing the application.

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

1. ADOPT RESOLUTION NO. 2010-R084 APPROVING THE ENCROACHMENT PERMIT 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 THE DOCUMENTS ON BEHALF OF THE CITY.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

December 13, 2010

Item C-6

Approval of an Amendment to the Existing Professional Services Agreement with Bosco Digital Solutions to Digitize Finance Department Documents in an Amount Not-To-Exceed \$20,000 for Fiscal Year 2010/2011.

Jeff Muir, Chief Financial Officer, provided a summary of the material of record.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Meghan Sahli Wells expressed concern with an alleged lack of clarity regarding the item, noting that the only options given were to keep the documents or destroy them but nothing in between and no information was provided; questioned whether there was a severe lack of space in the Financial Department and how many documents were being discussed; requested additional information and a public discussion of the item; noted that Culver City used the same auditors as the City of Bell; and suggested digitizing from the start in order to save money and resources.

Tony Pappas questioned how many pages were proposed to be destroyed; discussed involvement of the City Attorney; asked about exempted and confidential documents; noted that parts of documents should be redacted rather than exempting the entire document; he declared a public records request to see documents proposed for destruction; and he expressed concern with costs to digitize the documents.

Jeff Muir, Chief Financial Officer, discussed his goal to clean up the department and get rid of obsolete records; the City-wide Clean Up Day; and the type of documents involved, the costs involved, and the number of pages being considered for destruction.

December 13, 2010

Item C-6
(continued)

Discussion ensued between the City Council and staff regarding transparency; clarification that the City is within the law to destroy the documents; the importance of an involved citizenry; a suggestion to spend the money on a storage unit rather than digitizing the documents; clarification that none of the documents are confidential or have anything to do with the City housing programs; actual costs to scan documents and cost variations; concern with micromanagement; a suggestion to hold onto the documents temporarily; acknowledgement of the sensitive nature of the issue; clarification that the City is not being audited or investigated; assurances that any proposed destruction of items would come before the public before any action is taken; and clarification that destruction of unnecessary documents is common practice.

o0o

Item C-7

Approval of an Amendment to the Existing Executive Employment Agreement for City Manager John Nachbar Effective December 20, 2010.

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Tony Pappas discussed duties of the City Manager; the new City Manager contract; he stated that the City is a corporation; discussed serving the City versus serving the residents; and the content of documents proposed for shredding.

Councilmember Malsin and Mayor Armenta expressed appreciation to the City Manager for acting in a leadership role by agreeing to reduce the City's obligation to his retirement benefits.

December 13, 2010

Item C-7
(continued)

Following discussion, the following motion was made:

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

1. APPROVE AN AMENDMENT TO THE EXISTING EXECUTIVE EMPLOYMENT
AGREEMENT FOR CITY MANAGER JOHN NACHBAR EFFECTIVE DECEMBER
20, 2010; AND,
2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY
DOCUMENTS; AND,
3. AUTHORIZE THE MAYOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF
THE CITY.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta

NOES: None

ABSTAIN: None

ABSENT: Councilmember Weissman

o0o

December 13, 2010

Joint Consent Calendar

Item JC-1

Approval of a State Transportation Improvement Program Letter of Agreement with Los Angeles County Metropolitan Transportation Authority (LACMTA) on the 2007 LACMTA Call for Projects Grant Funding for the Pedestrian Improvements for Intersections with Bus Stops Project.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL:

1. APPROVE THE STATE TRANSPORTATION IMPROVEMENT PROGRAM LETTER OF AGREEMENT WITH LACMTA ON THE 2007 LACMTA CALL FOR PROJECTS GRANT FUNDING FOR THE PEDESTRIAN IMPROVEMENTS FOR INTERSECTIONS WITH BUS STOPS PROJECT; 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 AND AGENCY.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

December 13, 2010

Joint Item

Item J-1

**Receive and File, and Authorize Transmittal of the Culver City
Redevelopment Agency's State Controller's Report and Related
Documents for Fiscal Year 2009/2010.**

Mayor Armenta invited public participation.

There was no response.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER
COOPER, THAT THE CITY COUNCIL:

1. RECEIVE THE CULVER CITY REDEVELOPMENT AGENCY ANNUAL REPORT
FOR FISCAL YEAR 2009/2010 (INCLUDING THE BLIGHT PROGRESS
REPORT, LOAN REPORT AND PROPERTY REPORT) PURSUANT TO HEALTH
AND SAFETY CODE SECTION 33080; AND
2. AUTHORIZE THE CITY MANAGER TO FILE THE ANNUAL REPORT WITH
THE CITY CLERK.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

Action Item

Item A-1

Adoption of a Resolution to Increase the Civil Penalties and Surcharges for Parking Violations under the Culver City Municipal Code and the California Vehicle Code and Rescind Resolution No. 2009-R041.

Staff provided a summary of the material of record and clarified changes to fines.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Cary Anderson discussed parking issues and proposed fee increases; parking for the Car Show; street sweeping tickets; the number of tickets written; actual revenue received by the City; concern with the transfer of ticket revenue to the General Fund; and he suggested that the money made on tickets be put back into enforcement.

Tony Pappas discussed what he considers to be the best interests of the City versus the best interests of the public; questioned where revenue was being directed and discussed various City salaries; asked about municipal code violations versus vehicle code violations; discussed issues with trash containers in the roadway; he discussed sewer charges; and he suggested that any money collected be used to benefit the residents rather than the City.

Discussion ensued between the City Council and staff regarding the importance of clarifying misinformation; information provided by Golden State Water to calculate sewer usage; dumpster charges; the diligent enforcement by parking officers; increases to meter violation fees; attempts to keep fees consistent with the average fees of surrounding cities; changes to State surcharges; when charges would take effect; fees used as a deterrent; and support for funding and where the money goes.

December 13, 2010

Item A-1
(continued)

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R083 INCREASING THE CIVIL PENALTIES AND SURCHARGES FOR ALL PARKING CITATIONS UNDER THE CULVER CITY MUNICIPAL CODE AND THE CALIFORNIA VEHICLE CODE AND RESCINDING RESOLUTION NO. 2009-R041.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

Public Comment for Items Not on the Agenda (continued).

Mayor Armenta invited public participation.

There was no response.

o0o

Receipt of Correspondence

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER O'LEARY, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

AYES: Councilmembers Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: None
ABSENT: Councilmember Weissman

o0o

Items from Staff

No action was taken on this item.

o0o

Items from the City Council

Items Presented by Councilmember Cooper:

- Requested an update on the Culver City Dog Park.

Charles Herbertson, Public Works Director/City Engineer, reported that work on the first well was complete and work was continuing on the second well, with the reopening estimated for early January 2011.

o0o

Items Presented by Councilmember O'Leary:

- Wished everyone Happy Holidays.

Items Presented by Councilmember Malsin:

- Wished everyone Happy Holidays; thanked staff for their hard work; expressed appreciation for his fellow Councilmembers; and he welcomed John Nachbar and thanked him for his work as City Manager.

Items Presented by Mayor Armenta:

- Wished everyone Happy Holidays and expressed appreciation for being able to represent the City and work with staff and the community.

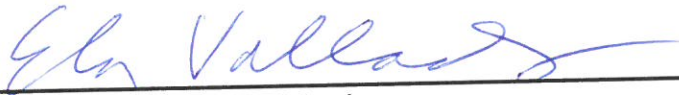
o0o

December 13, 2010

Adjournment

There being no further business, at 9:43 p.m., the City Council adjourned its meeting to a meeting to be held on January 10, 2011.

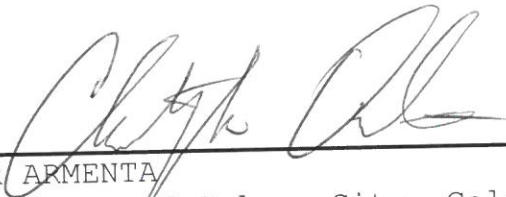
o0o



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 24, 2011



CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California