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

November 8, 2010
6:01 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:01 p.m.

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

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Added Item

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT PURSUANT TO GOVERNMENT CODE SECTION 54954.2(B)(2), THE CITY COUNCIL MADE A DETERMINATION BY A 2/3 VOTE THAT: (1) THERE WAS A NEED TO TAKE IMMEDIATE ACTION ON THE ITEM; AND (2) THE ITEM CAME TO THE ATTENTION OF THE CITY AFTER THE AGENDA WAS POSTED.

The item that was added was the following:

Conference with Legal Counsel – Existing Litigation
Re: Community Health Councils, Inc., et al. v. County of Los Angeles, et al.
Case No. BS118018 (Consolidated with BS118023, BS118039 and BS118056).
Pursuant to Government Code Section 54956.9(a)

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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 – (2 items)
Pursuant to Government Code Section 54956.9(b)(1)

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Recess

The City Council recessed to Closed Session at 6:03 p.m.

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Reconvene

The City Council reconvened its meeting at 7:30 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 Karlo Silbiger, Culver City School Board member.

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Closed Session Report

Mayor Armenta indicated there was nothing to report out of closed session.

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Presentations

Item P-1

A Presentation to the City Council from Speaker Emerita and Representative-Elect Karen Bass.

This item was deferred to the Council Meeting of November 22, 2010.

At this time, the following member of the audience addressed the City Council:

Neil Rubenstein, representing the Jewish War Veterans, praised Congresswoman Karen Bass; discussed her election; and thanked her for her everything she has done for the City and for supporting AB190.

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Public Comment – Items Not on the Agenda

Mayor Armenta invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson thanked the City for addressing issues with non-working streetlights.

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Adjourn in Memory

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED THAT WHEN THE MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF PETER FLUSSER, WELL-KNOWN AND ACTIVE COMMUNITY MEMBER.

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Consent Calendar

Councilmember O'Leary received clarification that the City was not paying twice for the transcription of meeting minutes.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF OCTOBER 11, 2010 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR OCTOBER 15, 2010 THROUGH OCTOBER 29, 2010.

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Item C-3

Approval of Professional Services Agreements with (1) All City Athletics to Plan, Organize and Conduct the Culver City Adult Basketball Program; and, (2) Major League Softball to Plan, Organize and Conduct the Culver City Adult Softball Program.

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH ALL CITY ATHLETICS TO PLAN, ORGANIZE AND CONDUCT THE CITY'S ADULT BASKETBALL PROGRAM FOR A FIVE (5) YEAR PERIOD BEGINNING WILL THE WINTER 2011 SEASON BASED UPON THE SCOPE OF WORK AND COMPENSATION DISCUSSED IN THE STAFF REPORT; AND,

2. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MAJOR LEAGUE SOFTBALL TO PLAN, ORGANIZE AND CONDUCT THE CITY'S ADULT SOFTBALL PROGRAM FOR A FIVE (5) YEAR PERIOD BEGINNING WILL THE WINTER 2011 SEASON BASED UPON THE SCOPE OF WORK AND COMPENSATION DISCUSSED IN THE STAFF REPORT; 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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Item C-4

Award of a Contract to Ortco, Inc., as the Lowest Responsive and Responsible Bidder, for the Construction of the Veterans' Memorial Park Playground for Children Ages 2 - 5, P-924.

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO ORTCO, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR CONSTRUCTION OF THE VETERANS' MEMORIAL PARK PLAYGROUND FOR CHILDREN AGES 2 - 5, P-924, IN THE AMOUNT OF $29,750, BASED ON ITS BASE BID; AND,

2. AUTHORIZE THE PARKS DIVISION MANAGER TO APPROVE CHANGE ORDERS IN THE AMOUNT NOT-TO-EXCEED $2,975, IF NECESSARY; 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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Item C-5

Approval of a Budget Amendment Appropriating $5,000 for the Maintenance of the KIP 3000 Copier/Plotter/Scanner Unit.

THAT THE CITY COUNCIL APPROVE A BUDGET AMENDMENT APPROPRIATING $5,000 OF TECHNOLOGY SURCHARGE FUNDS TO A NEW EXPENDITURE ACCOUNT NUMBER CREATED BY THE CHIEF FINANCIAL OFFICER FOR THE MAINTENANCE OF THE KIP 3000 COPIER/PLOTTER/SCANNER UNIT.

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Item C-6

(1) Acceptance of Work Performed by National Demolition Contractors; (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 Lindberg Park Hut Demolition Project, P-731.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY NATIONAL DEMOLITION CONTRACTORS FOR THE LINDBERG PARK HUT DEMOLITION PROJECT, P-731; 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 $1,580.00 IN RETENTION FUNDS TO NATIONAL DEMOLITION CONTRACTORS AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Public Hearing

Item PH-1

Approval of Proposed Service Changes to Line Seven of the Culver City Bus Public Transportation System.

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

Mayor Armenta called for a staff report.

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

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

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Eleanor Osgood expressed disappointed to hear that there were ridership problems with Line Seven and she suggested marketing the line as a way to get to the beach.

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

Ms. Garcia

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE PUBLIC HEARING BE CLOSED.

Discussion ensued among the City Council regarding acknowledgement of the impacts of changes to service; using limited resources efficiently; providing services to the greatest number of people; trusting the judgment of staff; the goal of synchronizing to Metro's service; continued monitoring of activity on the line; opportunities to expand service after the Expo Line opens; drawing a different support base; feasibility of retesting it for a trial period; feasibility of a temporary suspension rather than elimination of the line; sensitivity to alternative modes of transportation; and a suggestion that the item be reconsidered before the Expo Line opens.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE SERVICE CHANGES TO CULVER CITY BUS LINE 7 AS PROPOSED EFFECTIVE AT 2:00 A.M. ON JANUARY 3, 2011.

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Joint Item

Item J-1

Fiscal Year 2009-2010 Preliminary Year End Review.

Jeff Muir, Chief Financial Officer, provided a preliminary year end review for 2009-2010.

Discussion ensued between the City Council and staff regarding RDA billing; administration allocation; declines in sales taxes; funding liabilities; the Government Accounting Standards Board; post employment benefits; the importance of properly funding the benefit at the proper level; the number of retirees exceeding active employees; CalPERS rates; the five-year scenario; worst case scenarios; the General Fund exceeding its ability to pay; the need for dramatic changes; the economic downturn; responsible steps to address the situation; the increase in pension and Other Post Employment Benefit obligations; buy-in from City Hall and the community; maintaining City services; efficiency of the City; tax increases to support services; taking action to close the structural deficit; comparisons with other cities; and reductions to expenditures and increases to revenues.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE A PRESENTATION FROM THE CHIEF FINANCIAL OFFICER ON THE FISCAL YEAR 2009-2010 PRELIMINARY YEAR END REVIEW.

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Action Items

<u>Item A-1</u>

Direction Regarding the Use of the Mike Balkman Council Chambers by the Culver City Unified School District Board of Education.

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record.

Mayor Armenta invited public participation.

The following speakers addressed the City Council:

Karlo Silbiger, member, Culver City Unified School District Board of Education, thanked the City for their support; provided background on the item; discussed costs; suggested that the City waive the costs; and he discussed scheduling conflicts.

Discussion ensued between the City Council and Mr. Silbiger regarding whether a formal vote had been taken by the School Board to request a fee waiver and date change; feasibility of moving the Cultural Affairs Commission meeting to the third Tuesday of the month or moving the Parks, Recreation and Community Services Commission to the fourth week of the month; and costs for video taping of the meetings.

Cary Anderson discussed the two forms of government coexisting; logistics; issues with viewing School Board meetings on cable; and the importance of modernizing the process.

Goran Eriksson noted that it would be natural to share the facility; questioned whether the City had gotten a formal request from the School District and whether the School District was willing to pay; true costs of using the room; and support for sharing the costs equally.

Meghan Sahli-Wells expressed support for waiving the costs for the School Board and for allowing them to hold their meetings in Council Chambers.

Discussion ensued regarding support for making the facility available; concern with waiving costs that would have to be absorbed by the City; mixed messages from School Board members; reluctance to move Commission meetings; past relations between the City Council and the School Board; the importance of correspondence and formal votes documenting the facts; concern with requesting a fee waiver without support and discussion by the School Board; allowing the Commissions to weigh in on whether to move their meetings; a formal request by the School Board; transparency and live meetings; and the importance of building a relationship with the School District.

Further discussion ensued between the City Council and Mr. Silbiger regarding the difficulty for the School Board to move the date of their meetings; the ability of the School District to pay the fees; clarification from the School Board and agreement to provide a formal letter from the School District; requesting more information on the flexibility of the School Board to change their meeting date; the desire of the City Council to support the School Board; and a request to consider the item at another meeting with a letter from the School Board provided delineating what they want.

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Item A-2

Adoption of a Resolution Approving the Culver City Bicycle and Pedestrian Master Plan and Adopting a Negative Declaration Relating Thereto.

John Rivera, Senior Management Analyst provided a summary of the material of record.

Councilmember Weissman received clarification regarding adoption of the Bicycle and Pedestrian Master Plan (BPMP) and compliance with the Clean Streets Act.

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Donna LeBlanc noted the time and effort put into the plan; the importance of getting cars off the streets; concern over the safety at certain intersections; and she felt the plan would help the City in the long-run.

Gayle Haberman, Los Angeles County Department of Public Health, the funder for the grant enabling the development of the plan, expressed appreciation for the efforts of City staff on the plan; acknowledged the work of residents and members of the Los Angeles County Bicycle Coalition; and she spoke of the public health benefits of having a PBMP in place.

Jim Shanman, Culver City Bicycle Coalition, asked for approval of the plan to improve health and safety as well as encourage biking; he noted the loose structure of the plan to provide maximum flexibility and create a foundation for the future; noted that the plan enabled the City to be eligible for grants; and he discussed the design guide.

Darren Kessner reported serving on the advisory committee, discussed the business benefits of the plan, and encouraged approval of the plan.

David Hoake, reported serving on the committee and provided background on himself; discussed the emphasis on safety in the plan; reported on staff efforts to obtain input from stakeholders regarding the plan; and he requested the City Council to support the plan to increase safety.

David Stein expressed support for the plan and asked the City Council to approve it.

Robert Zirgulis expressed support for the plan; requested more bicycle racks in the City, suggesting they be put on parking meters; and he discussed additional funding by replacing TurboData with a company that would charge less than 50% to process tickets in the City.

Howard Cohen, Culver City Bicycle Coalition, spoke in favor of the plan and he discussed safety, funding, input, specifics, and addressing concerns.

Eleanor Osgood was pleased to see bicycles and pedestrians have the same level of importance as cars.

Rich Waters noted that there were many bicycle riders in the City; he reported on his experience taking a survey of riders in the City during rush hour; he discussed connecting bike paths; and he challenged the City Council to pass the item and complete the master plan.

Cary Anderson discussed the importance of enforcement at stop signs.

Alexis Lantz, Los Angeles County Bicycle Coalition, asked the City Council to support the plan.

Goran Eriksson reported participating in Bicycle Committee meetings; thanked all who participated in the process; discussed missed opportunities to address pedestrian and ADA issues; the integration of redevelopment efforts; suggested ways to strengthen the plan; concern with costs involved with the plan; grants; the proposed mobility coordinator; possible competition for community block grants; and he expressed concern with financial issues built-in to the plan that he felt should be examined before making the decision.

Jim Lamm reported participating in the process; asked the City Council to support the plan; he discussed his work with the Ballona Creek Renaissance; and he encouraged the City Council not to wait until the plan was perfect.

Meghan Sahli-Wells noted the opportunity to address many issues with the passage of the plan; she discussed connectivity issues; bicycle and pedestrian infrastructure; the Expo Light Rail station; creating more access to public transportation; cost effectiveness of bicycle and pedestrian improvements; grant eligibility; and she distributed a document on the economic benefits of bicycling from the Association of American Bicyclists.

Michelle Weiner expressed appreciation for the report; noted the effectiveness of current traffic calming measures in the City; and she discussed her involvement in the transition movement.

Ron Durgin encouraged the City Council to adopt the plan; noted that pedestrians on foot and on bicycles were customers; he wanted to see the plan enhanced and the policies implemented; and he expressed appreciation for staff efforts.

Dan Gallagher asked the City Council to approve the plan as it would increase patronage of local businesses, address health issues, increase the livability of the City and raise property values, and he thanked staff for their efforts and for the balanced report.

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

Howard Hackett
Chris Paine
John Kuechle
John Heyl
Amy Anderson, Principal, Linwood E. Howe Elementary School
Laura Siegel

Discussion ensued between the City Council and staff regarding cleaning up deficiencies in the implementation process; costs and immediate cost implications inherent in the adoption of the BPMP; how adopting a concept of complete streets would be incorporated into planning projects; the process for designating streets; the safety of bicyclists and pedestrians; rankings; basic aspects of the project; addressing the needs of seniors and persons with disabilities; next steps in the process; changing habits and culture; providing safe alternatives; laws and lawsuits regarding bicycle/vehicle accidents; concern that the City Council did not have opportunities to discuss the project with staff or the consultants; and previous Planning Commission consideration.

Further discussion ensued regarding pedestrian related issues; safety issues; foundation for grants; the goal of increasing pedestrian activities; identifying areas to focus on; grants that need the support of a BPMP; priority areas and projects; providing a range of projects that could be implemented; neighborhood associations and outreach; well documented feedback; bike facility designations; improving streetscapes and redevelopment projects; conflicts between bicycle and pedestrian amenities; adding flexibility to the map; upgrading bike routes to bike lanes; the design process; sharrows; discrepancies in project descriptions; creating a baseline; creating a position in the context of the broad transportation demand management system rather than a mobility coordinator; who would prepare grant applications in the short term; the installation of a pedestrian signal at Fox Hills Park; the increase in the numbers of people riding bikes in the City; accident data; estimated maintenance costs; implementation contingent on grant funding; minimizing the use of funds other than grant funds; in-kind services; vetting through the City Council; mobility coordinator duties and funding; costs associated with funding; staff costs; matching requirements and in-kind funding; and opportunities to piece funding together for small projects.

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R078 (1) ADOPTING A NEGATIVE DECLARATION BASED ON THE INITIAL STUDY FINDING THAT THE CULVER CITY BICYCLE AND PEDESTRIAN MASTER PLAN WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; AND (2) APPROVING THE CULVER CITY BICYCLE AND PEDESTRIAN MASTER PLAN.

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Public Comment for Items Not On the Agenda (Continued)

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Felicia Leal-Quinn reported on a recent traffic stop by Culver City Police involving her boyfriend; expressed concern with alleged racial profiling; and requested help getting her car back.

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Receipt of Correspondence

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

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Items from Staff

No action was taken on this item.

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Items from the City Council

Items Presented by Councilmember Cooper:

- Requested an update on the Dog Park.

  Charles Herbertson, Public Works Director/City Engineer, provided an update on work being done to address issues at the Dog Park, noting that the work should be completed and the Dog Park back in operation within about 2-3 weeks.

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Items Presented by Councilmember O'Leary:

- Expressed concern with receiving information packets on time. Requested additional information regarding the Laurel and Hardy Park, and noted the removal of funding by the Exposition Metro Line Construction Authority to improve crosswalks at Washington and National Boulevards. Expressed concern with not being informed regarding the content of the agenda for a recent Exposition Metro Line Construction Authority meeting, and stressed the importance of working as a team.

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Items Presented by Councilmember Malsin:

- Indicated his intent to share information with Councilmember O'Leary; suggested clarifying information on the Expo item in closed session; discussed proposed parking on the Expo Right of Way; clarified what issues were addressed at the Exposition Metro Line Construction Authority meeting; and acknowledged previous discussions with staff.

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Items Presented by Councilmember Weissman:

- Commended staff for their hard work at the November 6, 2010 meeting, and he felt the information presented during the work program analysis and question and answer portion to be very valuable.

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Items Presented by Mayor Armenta:

- Agreed that much was accomplished at the November 6, 2010 Council meeting.

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Adjournment

There being no further business, at 11:22 p.m., the City Council adjourned its meeting in memory of Peter Flusser, well-known and active community member, to a Regular meeting to be held on November 22, 2010.

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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 December 13, 2010

CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California