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

June 14, 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
Andrew Weissman, Councilmember

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Closed Session

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

CS-1 Public Employee Performance Evaluation
Title: Interim City Manager
Pursuant to Government Code Section 54957

CS-2 Conference with Legal Counsel – Existing Litigation
Re: Fulton v. City of Culver City, Case No. SC100451
Pursuant to Government Code Section 54956.9(a)

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Recess

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

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Reconvene

The City Council reconvened its meeting at 7:02 p.m., with all Councilmembers present.

Pledge of Allegiance

The Invocation was given by Martin Cole, Assistant City Manager/City Clerk, and the Pledge of Allegiance was led by Fred Yglesias.

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Closed Session Report

Mayor Armenta indicated that there was nothing to report out from Closed Session.

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Public Comment – Items Not on the Agenda

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Linh Ho, representing L.A. Craft Experience, discussed temporary usage of lots in the City.

Martin Cole, Assistant City Manager/City Clerk, reported that staff was working on an item for Redevelopment Agency consideration in July for temporary uses of Redevelopment Agency property.

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Announcement

Martin Cole, Assistant City Manager/City Clerk, reported that additional information had been obtained for Public Hearing Items PH-3 and PH-4 and he requested that the hearings be rescheduled for a later date.

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Consent Calendar

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN 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 THE MINUTES FOR THE ADJOURNED REGULAR MEETING OF MAY 3, 2010 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FROM MAY 15 THROUGH JUNE 4, 2010.

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Item C-3

Adoption of a Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2010-11.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R043 APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-2011.

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Item C-4

Adoption of a Resolution Initiating Proceedings for the Levy of Annual Assessments for the West Washington Boulevard Benefit Assessment District Number 1 and Ordering the Preparation of an Assessment Engineer's Report.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R044 INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEST WASHINGTON BOULEVARD ASSESSMENT DISTRICT NUMBER 1 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT THEREON.

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Item C-5

Approval of Four Memoranda of Agreement with the City of Los Angeles for Administration and Cost Sharing of the Ballona Creek Coordinated Monitoring Plans; and Approval of One Memorandum of Agreement with the County of Los Angeles for Administration and Cost Sharing of the Marina del Rey Harbor Coordinated Monitoring Plan.

THAT THE CITY COUNCIL:

1. APPROVE A MEMORANDUM OF AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE ADMINISTRATION AND COST SHARING OF THE DEVELOPMENT OF THE IMPLEMENTATION PLANS FOR THE TOTAL MAXIMUM DAILY LOADS FOR METALS, TOXICS, AND BACTERIAL INDICATOR DENSITIES IN BALLONA CREEK IN AN AMOUNT NOT-TO-EXCEED $42,552.00; AND,

2. APPROVE A MEMORANDUM OF AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE ADMINISTRATION AND COST SHARING OF THE COORDINATED MONITORING PLAN AND TOXIC IDENTIFICATION EVALUATION STUDY FOR THE TOTAL MAXIMUM DAILY LOAD FOR METALS AND TOXIC IN BALLONA CREEK AND BALLONA ESTUARY IN AN AMOUNT NOT-TO-EXCEED $83,977.00; AND,

3. APPROVE A MEMORANDUM OF AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE ADMINISTRATION AND COST SHARING OF THE COORDINATED MONITORING PLAN FOR THE TOTAL MAXIMUM DAILY LOAD FOR BACTERIAL INDICATOR DENSITIES IN BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL IN AN AMOUNT NOT-TO-EXCEED $10,899.49; AND,

4. APPROVE A MEMORANDUM OF AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE ADMINISTRATION AND COST SHARING OF THE COORDINATED MONITORING PLAN FOR THE TOTAL MAXIMUM DAILY LOAD FOR BACTERIAL INDICATOR DENSITIES IN MARINA DEL REY HARBOR MOTHERS' BEACH AND BACK BASINS IN AN AMOUNT NOT-TO-EXCEED $13,912.00; AND,

5. APPROVE A MEMORANDUM OF AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE ADMINISTRATION AND COST SHARING OF THE COORDINATED MONITORING PLAN AND SPECIAL STUDIES FOR THE TOTAL MAXIMUM DAILY LOAD FOR TOXICS IN THE MARINA DEL REY HARBOR MOTHERS' BEACH AND BACK BASINS IN AN AMOUNT NOT-TO-EXCEED $63,202.00; AND,

6. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

7. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-6

Adoption of a Resolution Appointing the Transportation Director as a Member and the Transit Operations Manager as the Alternate Member of the California Transit Insurance Pool (CalTIP) Board of Directors.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R045 APPOINTING THE TRANSPORTATION DIRECTOR AS MEMBER AND THE TRANSPORTATION OPERATIONS MANAGER AS ALTERNATE MEMBER OF THE CALIFORNIA TRANSIT INSURANCE POOL (CALTIP) BOARD OF DIRECTORS.

Action Items

Item A-1

Appointments and/or Reappointments to the Planning Commission, Parks and Recreation Commission, Civil Service Commission, Cultural Affairs Commission, Disability Advisory Committee, the Landlord-Tenant Mediation Board; and the Baldwin Hills Community Advisory Panel.

Martin Cole, Assistant City Manager/City Clerk, reported that Linh Ho had withdrawn her application for the Cultural Affairs Commission, and he indicated that Greg Guzetta had applied for the Cultural Affairs Commission and was present to answer any questions.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Vernon L. Taylor, Jr. expressed regret at the passing of former Mayor Albert Vera and he provided background on himself and his qualifications to serve on the Planning Commission.

Anthony Pleskow expressed interest in being reappointed to the Planning Commission and he reviewed his qualifications as well as issues considered by the Commission during his tenure.

At this time, the following motion was voted on:

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL REAPPOINT ANTHONY PLESKOW TO FILL OFFICE NO. 5 AS PLANNING COMMISSIONER TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM, EXPIRING JUNE 30, 2014.

Alice Prasad, Associate Analyst, read written comments submitted by:

Steve Rose

Public participation continued:

Marianne Kim discussed her tenure on the Parks, Recreation and Community Services Commission and requested reappointment.

The following motion was voted on:

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL REAPPOINT MARIANNE KIM TO FILL OFFICE NO. 3 AS PARKS AND RECREATION COMMISSIONER TO THE PARKS AND RECREATION COMMISSION FOR A FOUR YEAR TERM, EXPIRING JUNE 30, 2014.

Michael Whitaker requested reappointment to the Civil Service Commission.

The following motion was voted on:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL REAPPOINT MICHAEL WHITAKER TO FILL OFFICE NO. 1 AS CIVIL SERVICE COMMISSIONER TO THE CIVIL SERVICE COMMISSION FOR A FOUR YEAR TERM, EXPIRING JUNE 30, 2014.

Public participation continued:

Marla Koosed discussed the importance of having Commissioners with different backgrounds serve on the Cultural Affairs Commission; she suggested the next Commissioner have a background in visual art in order to match the skills of the outgoing Commissioner; and she recommended appointment of Michelle Bernardin based on her submitted application.

Michelle Bernardin provided background on herself and requested appointment to the Cultural Affairs Commission.

Greg Guzzetta provided information on his qualifications to serve as a Cultural Affairs Commissioner.

The following motion was voted on:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT MICHELLE BERNARDIN TO FILL OFFICE NO. 5 AS CULTURAL AFFAIRS COMMISSIONER TO THE CULTURAL AFFAIRS COMMISSION FOR A FOUR YEAR TERM, EXPIRING JUNE 30, 2014.

Martin Cole, Assistant City Manager/City Clerk reported that Catherine Yanda had withdrawn her application for Disability Advisory Committee.

Public participation continued:

Robyn Tenensapf requested reappointment to the Disability Advisory Committee and provided background on herself.

Catherine Yanda expressed support for the reappointment of Robyn Tenensapf and Dr. Jay Shery to the Disability Advisory Committee.

Helen Leichter provided background on herself and requested appointment to the Disability Advisory Committee.

Dr. Jay Shery requested reappointment to the Disability Advisory Committee.

The following motion was made:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL REAPPOINT DR. JAY SHERY TO FILL OFFICE NO. 5 AS A MEMBER OF THE DISABILITY ADVISORY COMMITTEE FOR A FOUR YEAR TERM, EXPIRING JUNE 30, 2014.

Discussion ensued between the City Council and staff regarding term limits; residency requirements; voter registration; updating Commission/Committee applications; the Council subcommittee; and the number of members on the Disability Advisory Committee.

Following discussion, the following motion was voted on:

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL REAPPOINT ROBIN TENENSAPF TO FILL OFFICE NO. 1 AS A MEMBER OF THE DISABILITY ADVISORY COMMITTEE FOR A FOUR YEAR TERM, EXPIRING JUNE 30, 2014.

Councilmember O'Leary received clarification that the annual financial disclosure requirement was applicable to the Disability Advisory Committee.

Discussion ensued between the City Council and staff regarding ways to proceed with appointments on the Landlord-Tenant Mediation Board, as some categories received fewer applications than the number of openings; whether to advertise; and consensus to place a notice on the City website.

Following discussion, the following motion was voted on:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT WILLARD R. DUNWOODY III AS TENANT REPRESENTATIVE ON THE LANDLORD-TENANT MEDIATION BOARD, TO SERVE A TERM OF THREE YEARS, EXPIRING JUNE 30, 2013.

Public participation continued:

Justin Lescoulie expressed appreciation for the support of Lillian Ikeda, who is retiring from the Housing Department; he summarized his background and qualifications, and asked to be appointed as Landlord Representative.

Michael Berlin asked to be considered for the Member-at-Large position and indicated that he would be willing to serve in the Tenant position if he met the requirements.

Discussion ensued between the City Council and staff regarding requirements for the different positions; applying for specific positions; Council discretion; and holding the appointments to a later date.

Public participation continued:

Dee Seehusen discussed her training and qualifications to serve on the Landlord-Tenant Mediation Board and asserted that she was not biased.

Martin Cole, Assistant City Manager/City Clerk, clarified criteria for Members-at-Large position on the Landlord Tenant Mediation Board.

Following discussion, the following motions were voted on:

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT STEVEN R. REITZFELD AS LANDLORD REPRESENTATIVE ON THE LANDLORD-TENANT MEDIATION BOARD, TO SERVE A TERM OF THREE YEARS, EXPIRING JUNE 30, 2013.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT JUSTIN LESCOULIE AS LANDLORD REPRESENTATIVE ON THE LANDLORD-TENANT MEDIATION BOARD, TO SERVE A TERM OF THREE YEARS, EXPIRING JUNE 30, 2013.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT MICHAEL BERLIN AS LANDLORD ALTERNATE ON THE LANDLORD-TENANT MEDIATION BOARD.

Public participation continued:

Kevin Lachoff requested City Council support to serve as Member-at-Large representative; he felt he met qualifications; and he indicated that he would recuse himself for any item that might be a conflict of interest.

Item A-1
(continued)

The following motion was voted on:

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT KEVIN LACHOFF AS MEMBER AT LARGE REPRESENTATIVE ON THE LANDLORD-TENANT MEDIATION BOARD, TO SERVE A TERM OF THREE YEARS, EXPIRING JUNE 30, 2013.

Public participation continued:

Paul Ferrazzi provided background on himself and asked for City Council support for his application to the Baldwin Hills Community Advisory Panel.

The following motion was voted on:

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT PAUL FERRAZZI AS MEMBER ON THE BALDWIN HILLS COMMUNITY ADVISORY PANEL FOR AN INDEFINITE TERM OF OFFICE.

The City Council expressed that they were impressed with the quality of the applications and encouraged those who were not appointed to attend meetings for the Commission they are interested in and apply again.

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Public Hearings

Item PH-1

Adoption of a Resolution Approving the Engineer's Report and Ordering the Sixth Annual Assessment Levy for the Albright Avenue Street Lighting Assessment District - Fiscal Year 2010/2011.

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

Item PH-1
(continued)

Staff provided a summary of the material of record.

MOVED BY COUNCILMEMBER MALSIN, 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:

David Young expressed support for the program.

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

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

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R040 APPROVING THE ENGINEER'S REPORT AND ORDERING THE SIXTH ANNUAL ASSESSMENT LEVY FOR THE ALBRIGHT AVENUE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2010/2011.

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Item PH-2

Adoption of a Resolution Approving the Engineer's Report and Affirming the Existing Annual Assessment Levy for the Sewer User's Service Charge for Fiscal Year 2010/2011.

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

Staff provided a summary of the material of record.

Item PH-2
(continued)

Discussion ensued between the City Council and staff regarding the refusal of Golden State Water to provide water consumption data; staff efforts to address the changes; the difficulty for residents to prove actual usage; options for residents; user notification; rates for new businesses; CPUC requirements; the amount of time in which to apply for refunds; and public notice.

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

Mayor Armenta invited public participation.

No speakers came forward.

Martin Cole, Assistant City Manager/City Clerk, reported that a majority protest did not exist.

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

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R041 APPROVING THE ENGINEER'S REPORT AND AFFIRMING THE EXISTING ANNUAL ASSESSMENT LEVY FOR THE SEWER USER'S SERVICE CHARGE FOR FISCAL YEAR 2010/2011.

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Item PH-3

Adoption of a Resolution Approving the Engineer's Report and Approving the Annual Assessment Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2010/2011.

This item was continued to a later date.

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Item PH-4

Adoption of a Resolution Approving the Engineer's Report and Affirming the Existing Annual Assessment Levy for Higuera Street Landscape and Lighting Assessment District - Fiscal Year 2010/2011.

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Kathleen Schmitt questioned allocation methods.

Charles Herbertson, Public Works Director/City Engineer, indicated that staff would investigate and return with information when the item is considered.

This item was continued to a later date.

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Joint Public Hearing

Item JPH-1

Adoption of a Resolution Adopting the Fiscal Year 2010-2011 Budget for the City of Culver City and the Culver City Redevelopment Agency.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE NOTICE OF AFFIDAVIT OF PUBLICATION.

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

Mayor Armenta invited public comment.

No speakers came forward.

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

Item JPH-1
(continued)

The City Council acknowledged the difficult task and the hard work of staff on the budget.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R042 APPROVING THE FISCAL YEAR 2010/2011 BUDGET FOR THE CITY OF CULVER CITY

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Joint Item

Item J-1

Approval of the Memorandum Of Understanding (MOU) Between the Culver City Redevelopment Agency and the Metropolitan Transportation Authority (MTA) in Connection with Use of the MTA Right-of-Way Adjacent to the Washington National Transit Oriented Development (TOD) Project.

Staff proved a summary of the material of record.

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

1. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CULVER CITY, THE CULVER CITY REDEVELOPMENT AGENCY, AND THE MTA; 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 AGENCY.

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Action Items – continued:

Item A-2

Authorization for the City Manager to Prepare and Execute a Letter Requesting Metro Rename the Venice/Robertson Station the Culver City Station.

Mayor Armenta invited public participation.

No speakers came forward.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO PREPARE AND EXECUTE A LETTER TO METRO REQUESTING THAT THE VENICE/ROBERTSON STATION BE RENAMED THE CULVER CITY STATION.

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Public Comment for Items Not on the Agenda – continued.

Mayor Armenta invited public participation.

There was no response.

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Receipt of Correspondence

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

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Items from Staff

Items Presented by Martin Cole, Assistant City Manager/City Clerk:

- Suggested the City Council and Redevelopment Agency adjourn to June 28, 2010; and he discussed the meeting schedule for July.

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Items from Council

Items Presented by Councilmember Weissman:

- Reported that he would be out of town on August 23, 2010.

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Adjournment

There being no further business, at 8:54 p.m., the City Council adjourned its meeting to a Regular Meeting to be held on June 28, 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 July 26, 2010

CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California