THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

August 22, 2011
5:34 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:34 p.m.

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

Absent: Andrew Weissman, Councilmember - excused

o0o

Closed Session

The City Council adjourned to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators
Re: 4044-4068 Globe Avenue, Culver City
Agency Negotiators: John Nachbar, City Manager/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director and Murray Kane, Agency General Counsel
Other Parties Negotiators: Habitat for Humanity of Greater Los Angeles
Under Negotiation: Both Terms and Price
Pursuant to Government Code Section 54956.8

CS-2 Conference with Real Property Negotiators
Re: Metro Right-of-Way (adjacent to Exposition Boulevard)
Agency Negotiator: John Nachbar, City Manager/Executive Director Sol Blumenfeld, Community Development Director/Assistant Executive Director, Todd Tipton, Deputy Community Development Director/Redevelopment Administrator and Murray Kane, Agency General Counsel
Other Parties Negotiators: Rick Thorpe, Chief Executive Officer, Exposition Light Rail Construction Authority

CS-3 Conference with Labor Negotiators
City designated representatives: City Manager John Nachbar; Director of Human Resources Serena Wright
Employee Organization: Culver City Employees Association; Culver City Management Group; Culver City Police Officers Association; Culver City Fire Fighters Association; Culver City Police Management Group; Culver City Fire Management Association
Pursuant to Government Code Section 54957.6

CS-4 Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - (3 items)
Pursuant to Government Code Section 54956.9(b)(1)

CS-5 Conference with Real Property Negotiators
Re: 9426 and 9430 Washington Boulevard
Agency Negotiator: John M. Nachbar, City Manager, Sol Blumenfeld, Community Development Director, Todd Tipton, Deputy Community Development Director and Carol Schwab, City Attorney
Other Parties Negotiators: Aenaria, LLC
Under Negotiation: Both Price and Terms of Payment, including use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8

o0o

Recess

The City Council recessed to Closed Session at 5:35 p.m.

o0o

Reconvene

The City Council reconvened its meeting at 7:22 p.m.

o0o

Invocation/Pledge of Allegiance

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

o0o

Closed Session Report

Mayor O'Leary indicated there was nothing to report out from Closed Session.

o0o

Presentations

Item P-1

A Proclamation in Honor of Fiesta La Ballona.

Mayor O'Leary read the proclamation in its entirety.

Tom Camarella, Fiesta La Ballona Committee, thanked the City Council and accepted the proclamation. Mr. Camarella extended an invitation to attend the 60th annual Fiesta La Ballona celebration on August 26-28, 2011; thanked sponsors and the City for their support; and discussed scheduled entertainment and vendors.

o0o

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

Councilmember Cooper requested and received City Council consensus to agendize a discussion regarding naming the Senior Center in honor of Albert and Ursula Vera.

o0o

Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Ira Diamond discussed the need to provide shoes for the homeless in the community; discussed the "Shoes for the Homeless" organization; and requested help with donations.

Barbara Silverstein thanked the City for excellent paramedic services.

Robert Zirgulis requested an agendized discussion to consider supporting Proposition 1481 to raise money for Culver City schools.

Amanda Copeland expressed support for renaming the Senior Center to honor Albert and Ursula Vera; and requested help resolving issues with the Culver City School District.

Rich Waters requested that the issue of diseased ficus trees in the City be immediately addressed.

Discussion ensued between the City Council and Charles Herbertson, Public Works Director/City Engineer regarding diseased ficus trees; replacement trees; communication with residents; actions to help the trees; scheduling; West Coast Arborists; tree assessment; and proper trimming.

o0o

Receipt of Correspondence

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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

o0o

Joint Consent Calendar

Item JC-1

Approval of a Fourth Amendment to the Existing Professional Services Agreement with Lea Associates Inc. for Real Estate Appraisal Services.

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

1. APPROVE THE FOURTH AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH LEA ASSOCIATES, INC., FOR REAL ESTATE APPRAISAL SERVICES; AND,

2. AUTHORIZE THE CITY ATTORNEY/AGENCY GENERAL COUNSEL TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY AND AGENCY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	Councilmembers Armenta, Cooper, Malsin, O'Leary
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-2 THROUGH C-6, AND C-8.

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

August 22, 2011

Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR JULY 30, 2011 TO AUGUST 12, 2011.

oOo

Item C-3

(1) Acceptance of Work Performed by Creative Nile Builders, Inc.; (2) Authorization to file a Notice of Completion; and, (3) Authorization to Release the Retention Payment for the El Marino Park Playground Rehabilitation Project, P-899, after the Expiration of the 35-Day Lien Period.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY CREATIVE NILE BUILDERS, INC. FOR THE EL MARINO PARK PLAYGROUND REHABILITATION PROJECT, P-899; AND,

2. AUTHORIZE THE PARKS DIVISION MANAGER 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 $4,524.20 IN RETENTION FUNDS TO CREATIVE NILE BUILDERS, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

oOo

August 22, 2011

Item C-4

Approval of the Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the Ballona Creek Storm water and Rain Garden Improvement Project.

THAT THE CITY COUNCIL:

1. APPROVE THE PLANS AND SPECIFICATIONS FOR THE BALLONA CREEK STORM WATER AND RAIN GARDEN IMPROVEMENT PROJECT, P-497; AND

2. AUTHORIZE PUBLICATION OF A NOTICE INVITING BIDS FOR THE BALLONA CREEK STORM WATER AND RAIN GARDEN IMPROVEMENT PROJECT, P-497.

oOo

Item C-5

Award of a Construction Contract to Eagle Pump Services for the Culver City Park Booster Pump Replacement Project.

THAT THE CITY COUNCIL:

1. AWARD A CONTRACT TO EAGLE PUMP SERVICES FOR THE CULVER CITY PARK BOOSTER PUMP REPLACEMENT PROJECT, P-922, IN THE AMOUNT OF $69,550.00, BASED ON ITS BASE BID; AND,

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED $6,955.00, 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.

oOo

August 22, 2011

Item C-6

Approval of the Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the Fire Station #1 Exterior Staircase Reconstruction Project.

THAT THE CITY COUNCIL:

1. APPROVE THE PLANS AND SPECIFICATIONS FOR FIRE STATION #1 EXTERIOR STAIRCASE RECONSTRUCTION PROJECT, P-931; AND

2. AUTHORIZE PUBLICATION OF A NOTICE INVITING BIDS FOR THE FIRE STATION #1 EXTERIOR STAIRCASE RECONSTRUCTION PROJECT, P-931.

o0o

Item C-8

Approval of the Certification and Submission of the Section 8 Management Assessment Program (SEMAP) for Fiscal Year 2010/2011.

THAT THE CITY COUNCIL:

1. APPROVE THE CERTIFICATION AND SUBMISSION OF THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND,

2. AUTHORIZE THE MAYOR AND THE CITY MANAGER TO EXECUTE THE SEMAP CERTIFICATION ON BEHALF OF THE CITY.

o0o

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

Item C-1

Meeting Minutes

Councilmember Malsin provided verbiage to clarify the intent of his statement for Consent Calendar Item C-8 on page 8 of the July 25, 2011 City Council meeting minutes.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF JULY 25, 2011 AS AMENDED, AND THE MINUTES OF THE REGULAR MEETING OF AUGUST 8, 2011 AS SUBMITTED.

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

o0o

Item C-7

Approval of By-laws for the Culver City Committee on Homelessness.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Cary Anderson discussed posting notices regarding the panhandling ordinance and ATMs; frequency of meetings; attendance; and timeliness of meeting minutes.

Christopher Patrick King, member, Culver City Committee on Homelessness, encouraged passage of the new bylaws and he indicated that he was available for consultation and a willing resource.

Item C-7
(continued)

Councilmember Malsin received consensus that verbiage be adjusted to allow for expanding or contracting the Committee so that the document does not become obsolete if changes to the Committee are made.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER COOPER, THAT THE CITY COUNCIL APPROVE THE BY-LAWS OF THE CULVER CITY COMMITTEE ON HOMELESSNESS WITH THE MODIFICATION OF WORDING DISCUSSED BY THE CITY COUNCIL.

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

oOo

Item C-9

Approval of a Professional Services Agreement with Tyler Technologies for the Purchase, Implementation and Software Maintenance/Support of a New Financial System.

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson expressed concerns regarding certain costs associated with this agreement.

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

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT-TO-EXCEED $912,476.00 WITH TYLER TECHNOLOGIES TO PROVIDE SOFTWARE, BUSINESS PARTNER SOFTWARE AND EQUIPMENT, AND PROFESSIONAL SERVICES TO REPLACE THE JD EDWARDS FINANCE SYSTEM; AND,

2. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO APPROVE CHANGE ORDERS TO THE CONTRACT IN THE AGGREGATE AMOUNT NOT-TO-EXCEED $100,000.00, IF NECESSARY; AND,

3. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO APPROVE ADDITIONAL LABOR CHARGES FOR PROJECT LABOR IN AN AMOUNT NOT-TO-EXCEED $100,000.00; AND,

4. AUTHORIZE PAYMENT OF $72,138.00 TO TYLER TECHNOLOGIES FOR ONE YEAR OF FINANCIAL SOFTWARE MAINTENANCE/SUPPORT TO BE EFFECTIVE UPON INSTALLATION OF THE SOFTWARE; AND,

5. AUTHORIZE PAYMENT OF $164,094.00 FOR THE ANNUAL MAINTENANCE/SUPPORT RENEWAL WITH TYLER TECHNOLOGIES FOR THE SECOND YEAR AND EACH SUCCESSIVE YEAR UNTIL THE MAINTENANCE AGREEMENT IS TERMINATED OR SUBSTANTIALLY CHANGED BY EITHER PARTY; 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.

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

o0o

Public Hearing

Item PH-1

(1) Adoption of a Resolution for the Certification of Conformance with the Congestion Management Program for Los Angeles County and (2) Adoption of the CMP Local Development Report.

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

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

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE PUBLIC HEARING BE OPENED.

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

Mayor O'Leary invited public participation.

There was no response.

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

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

Councilmember Malsin received clarification regarding review and revision of the Transportation Demand Ordinance.

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

1. ADOPT RESOLUTION NO. 2011-R077 FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM; AND,

2. ADOPT THE CMP LOCAL DEVELOPMENT REPORT FOR 2011.

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

o0o

Joint Action Item

Item JA-1

(1) Agency Board Adoption of a Resolution Adopting the Enforceable Obligations Payment Schedule Pursuant to Sections 34167 and 34169 of the Health and Safety Code, (2) Agency Board Authorization to the Executive Director to Make Such Payments on Behalf of the Agency Utilizing Available Agency Revenues, Including, but not Limited to, Newly Received Tax Increment Proceeds; and, (3) City Council Authorization to the City Manager and Chief Financial Officer to Make Such Payments on Behalf of the Agency Utilizing Former Agency Assets in the Case Sufficient Agency Revenues are Unavailable.

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

Mayor O'Leary invited public participation.

There was no response.

Item JA-1
(continued)

Following discussion, the following motion was made:

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER AND CHIEF FINANCIAL OFFICER TO MAKE SUCH PAYMENTS ON BEHALF OF THE AGENCY UTILIZING FORMER AGENCY ASSETS IN THE CASE THAT SUFFICIENT AGENCY REVENUES ARE UNAVAILABLE.

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

o0o

Action Items

Item A-1

Consideration of Member Absence for the Landlord Tenant Mediation Board.

Mayor O'Leary invited public comment.

The following members of the public addressed the City Council:

Cary Anderson discussed the frequency of meetings and attendance policy.

MOVED BY COUNCILMEMBER ARMENTA AND SECONDED BY COUNCILMEMBER MALSIN, THAT THE CITY COUNCIL ALLOW STEVE REITZFELD TO CONTINUE TO SERVE AS LANDLORD REPRESENTATIVE TO THE LANDLORD TENANT MEDIATION BOARD.

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

o0o

Item A-2

(1) Designation of the City's Voting Delegate and Alternate-Delegate and (2) Taking of Positions on the Six Policy Resolutions Submitted to the General Assembly for the League of California Cities.

Mayor O'Leary invited public comment.

There was no response.

Councilmember Armenta felt that the delegates should abstain from items that are not germane to the City.

MOVED BY COUNCILMEMBER ARMENTA AND SECONDED BY COUNCILMEMBER COOPER. THAT THE CITY COUNCIL:

1. DESIGNATE MAYOR MICHEÁL O'LEARY AS THE VOTING DELEGATE AND ASSISTANT CITY MANAGER MARTIN COLE AS VOTING DELEGATE-ALTERNATE; AND,

2. TAKE THE POSITIONS REGARDING THE SIX RESOLUTIONS PRESENTED TO THE GENERAL ASSEMBLY FOR CONSIDERATION AS OUTLINED IN THE STAFF REPORT; AND,

3. AUTHORIZE THE VOTING DELEGATE AND VOTING DELEGATE-ALTERNATE TO CAST VOTES EXERCISING REASONABLE DISCRETION IN THE CASE CIRCUMSTANCES AT THE GENERAL ASSEMBLY WARRANT A CHANGE IN VOTE.

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

o0o

Public Comment for Items Not on the Agenda - continued.

Mayor O'Leary invited public participation.

There was no response.

o0o

Items from the City Council

Items Presented by Councilmember Cooper:

- Reminded everyone to attend Fiesta La Ballona on August 26-28, 2011, noting that elected officials and department heads would be present at the City booth.

o0o

Items Presented by Councilmember Malsin:

- Invited everyone to attend the final concert of the Culver City Summer Concert Series on August 25, 2011; and he also announced free performances by the Culver City Public Theatre at Carlson Park and The Actors Gang on August 27-28, 2011.

o0o

Adjournment

There being no further business, at 8:18 p.m., the City Council adjourned its meeting to a meeting to be held on September 12, 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 ______________________________

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