

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

November 22, 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 Conference with Real Property Negotiators

Re: 10866 Culver Boulevard

City Negotiator: John Nachbar, City Manager; Martin Cole,
Assistant City Manager

Other Parties' Negotiators: Friends of the Culver City Scout
House and Culver City Rock and Mineral Club

Under Negotiation: Both Terms and Price

Pursuant to Government Code Section 54956.8

CS-2 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

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Closed Session
(continued)

CS-3 Conference with Legal Counsel - Existing Litigation

Re: Ronald Ostrin v. Colich & Sons et al (Culver City)

Case No.: LASC BC431648

Pursuant to Government Code Section 54956.9(a)

CS-4 Conference with Legal Counsel - Existing Litigation

Re: Community Health Councils, Inc., City of Culver City, et al., v. County of Los Angeles

Case No. BS118018 (Re County Community Standards District for Oil Drilling Operations)

Pursuant to Government Code Section 54956.9(a)

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Recess

The City Council recessed to Closed Session at 5:31 p.m.

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Reconvene

The City Council reconvened its meeting at 7:08 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 Fred Yglesias.

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Closed Session Report

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

Martin Cole, Assistant City Manager/City Clerk, indicated that Closed Session Items CS-1 and CS-4 had been postponed.

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Presentations

Item P-1

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

Mayor Armenta congratulated Karen Bass on her election.

Representative-Elect Karen Bass thanked the City Council, discussed the bravery and loss of Police Lieutenant Curtis Massey, and she presented letters from the governor to the family of Lieutenant Massey and to the City.

At this time, members of Lieutenant Massey's family expressed thanks to Representative-Elect Bass for sponsoring a bill to designate an overpass on the Interstate 10 Freeway in the City of Los Angeles as the "Culver City Police Lieutenant Curtis Massey Memorial Overpass"; and to the City and the Police Department for their support.

Mayor Armenta thanked Representative-Elect Bass and members of the Massey family.

At this time, Mayor Armenta presented a commendation to Representative-Elect Bass. Representative-Elect Bass thanked the City for the honor.

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Public Comment - Items Not on the Agenda

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Fire Chief Chris Sellers reported that on November 15, 2010, the City received official notice from the Insurance Service Office that the Fire Department had received a Class 1 rating.

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Public Comment
(continued)

Robert Zirgulis commended the Police Department for their arrest of a career sex offender; provided a current list of sex offenders in the City to the City Council; encouraged everyone to look up the list at megghanslaw.com; encouraged the removal of the sex offenders from the City; and requested that the Police Department notify neighbors about sexual predators in their midst.

Bob Howells discussed bus noise affecting residents of Lakeside Villas and he read and distributed a resolution passed by the Lakeside Villas Homeowners Association Board requesting that bus service on Albert Vera Drive and Freshman Drive be immediately discontinued.

Discussion ensued between the City Attorney and the Mayor regarding closed session discussions on the matter with agreement to discuss actions on the matter with Mr. Howell as soon as possible.

Steve Mills noted that it was the responsibility of West Los Angeles College to provide a shuttle for the disabled students; reminded everyone that Freshman Drive bus service was resumed on a temporary basis; and he discussed noise levels in the area.

Katherine Howells discussed the number of bus trips past their house; she invited everyone over to their house to experience the noise; and she expressed hope that resolution might be coming soon.

Meghan Sahli Wells thanked the City Council for their letter of support to the Los Angeles County Board of Supervisors for banning single use plastic bags in the City; she appreciated the Community Development workshop on Parcel B but expressed dismay at the format; discussed the City's desire for maintenance of entitlements and the findings of the financial consultant; she questioned whether the entitlements they had were the right entitlements; and she asked for more clarity and transparency.

Discussion ensued between the City Council and staff regarding opportunities for public input and flexibility with entitlements.

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Public Comment
(continued)

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

Brad Stark

Councilmember Malsin provided an update on the single use plastic bag ban.

The City Council discussed whether to agendize a discussion on a ban of single use plastic bags and agreed to wait to hear back from the County.

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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 RAY SHEERAN, COUSIN OF VICE MAYOR MICHEÁL O'LEARY.

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Public Hearing

Item PH-1

(1) Adoption of a Resolution Confirming the Business Improvement District Advisory Board's Annual Report and the Levy of the Downtown Culver City Business Improvement District Assessment for 2011; (2) Appointment of Members to the Business Improvement District Advisory Board; and (3) Approval of the Management Agreement between the City and the Downtown Business Association for Calendar Years 2011 and 2012.

Councilmember Weissman recused himself from discussion of this item because his office is located within the Business Improvement District. Councilmember Weissman left the dais at 7:53 p.m.

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Item PH-1
(continued)

MOVED BY COUNCILMEMBER O'LEARY 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 Cooper, Malsin, O'Leary, Armenta
NOES: None
ABSTAIN: Councilmember Weissman
ABSENT: None

Glenn Heald, Management Analyst, provided a summary of the material of record.

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

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

Mayor Armenta invited public participation.

The following member of the audience addressed the City Council:

Cary Anderson discussed issues with employee parking in the downtown area and accountability; and he suggested making Parcel B available for employee parking while the lot is not being used.

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: Councilmember Weissman
ABSENT: None

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Item PH-1
(continued)

Discussion ensued between the City Council and staff regarding collections; accounting; fairness and transparency; delinquent accounts; clarification regarding certification of financial statements; quarterly statements versus annual statements; and agreement to a request that there be a notation regarding the delinquent assessment dollar amount.

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

1. ADOPT RESOLUTION NO. 2010-R079 CONFIRMING THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD'S ANNUAL REPORT AND THE LEVY OF THE DOWNTOWN CULVER CITY BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR 2011; AND
2. APPOINT MEMBERS TO THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; AND
3. APPROVE THE MANAGEMENT AGREEMENT FOR CALENDAR YEARS 2011 AND 2012; 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.

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

NOES: None

ABSTAIN: Councilmember Weissman

ABSENT: None

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

Councilmember Weissman returned to the dais at 8:06 p.m.

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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-7.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF OCTOBER 25, 2010 AND MINUTES FOR THE ADJOURNED REGULAR MEETING OF NOVEMBER 1, 2010 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR OCTOBER 30, 2010 THROUGH NOVEMBER 12, 2010.

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Item C-3

Approval of the Submission of the Family Self Sufficiency (FSS) Program Coordinator Grant to the United States Department of Housing and Urban Development (HUD).

THAT THE CITY COUNCIL:

1. APPROVE THE SUBMISSION OF THE FAMILY SELF SUFFICIENCY PROGRAM GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; 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-4

(1) Accept the Work Performed by FS Construction; (2) Authorize the Filing of a Notice of Completion; and (3) Authorize the Release of the Retention Payment after the Expiration of the 35-Day Lien Period, for the Culver City Park Field Leveling Project, P-639.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, FS CONSTRUCTION, ON THE CULVER CITY PARK FIELD LEVELING PROJECT, P-639; 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 \$14,193.80 IN RETENTION FUNDS TO FS CONSTRUCTION FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-5

Approval of a Purchase Agreement with JTB Supply Co, Inc. for CDBG - Countdown Pedestrian Signals, P-887.

THAT THE CITY COUNCIL:

1. APPROVE A PURCHASE AGREEMENT WITH JTB SUPPLY CO, INC. IN AN AMOUNT OF \$53,910.00 PLUS TAX FOR CDBG - COUNTDOWN PEDESTRIAN SIGNALS, P-887; 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

Adoption of a Resolution Authorizing the Destruction of Certain Files in the Transportation Department Which are More Than Three (3) Years Old.

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R080 AUTHORIZING THE DESTRUCTION OF CERTAIN FILES IN THE TRANSPORTATION DEPARTMENT WHICH ARE MORE THAN THREE (3) YEARS OLD.

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Item C-7

(1) Acceptance of the Work Performed by SRD Engineering, Inc.; (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 Potholing and Inspection of Abandoned 10" Sewer Force Main on Braddock Drive, P-521.

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY SRD ENGINEERING, INC. FOR THE POTHOLING AND INSPECTION OF ABANDONED 10" SEWER FORCE MAIN ON BRADDOCK DRIVE, P-521; 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 \$6,501.33 IN RETENTION TO SRD ENGINEERING, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Joint Items

Item J-1

**Approval of a Professional Services Agreement with DLR Group/
WWCOT for the Architectural Design of Veteran's Memorial
Building Renovation Project, P-876.**

Mate Gaspar, Engineering Manager, provided a summary of the material of record.

Mayor Armenta invited public participation.

There was no response.

Discussion ensued between the City Council and staff regarding use of the tower at the Veterans Memorial Building as a tourist attraction; issues with the elevator; ADA issues; grants; and historic building status.

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

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH DLR GROUP/WWCOT FOR A NOT-TO-EXCEED CONTRACT AMOUNT OF \$48,400.00 (WITH \$15,000.00 FROM THE REDEVELOPMENT AGENCY'S TAX INCREMENT FUND AND \$33,400.00 FROM THE CITY'S GENERAL FUND AND/OR THE PARK FACILITY FUND); AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS TOTALING A NOT-TO-EXCEED AMOUNT OF \$8,180.00 (\$1,500.00 FROM AGENCY FUNDS AND \$6,680.00 FROM THE CITY' GENERAL FUND), 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 J-2

Discussion Regarding the Creation of a Comprehensive Economic Development Plan.

John Nachbar, City Manager, provided a summary of the material of record.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Steven Rose, representing the Culver City Chamber of Commerce, expressed support for the development of an economic development plan; he suggested maintaining a Class 1 Fire Department; and he proposed changes to wording from "sales tax leakage" to "sales tax flood" to denote the significant losses to the City.

Goran Eriksson discussed economic development; felt it important to keep the economic development committee small; and he discussed the composition of the group and the process.

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

Kevin Lachoff
Julie Lugo Cerra

Discussion ensued between the City Council and staff regarding the importance of analyzing strengths and weaknesses; ways to take advantage of opportunities offered by the current financial climate; maintaining levels of service; increases of vacancies in retail space; costs involved to develop the plan; a report that Bunin Chevrolet would be opening soon at the former GMC dealership site; interested participants; the economic development team; staff involvement; establishing a time frame for implementation; looking at the City as a whole; and composition of the group.

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Action Items

Item A-1

Appointment of a Culver City Representative to the Los Angeles County West Vector Control District to the Position of Culver City's Trustee to Fill the Remainder of a Two-Year Term Ending December 31, 2010 and for the Two-Year Term Beginning January 1, 2011 and Ending December 31, 2012.

Eric Mirzaian, Senior Management Analyst, provided a summary of the material of record.

Mayor Armenta invited public comment.

There was no response.

Discussion ensued between the City Council and staff regarding having the representative provide reports to the City Council.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPOINT ELENA SWEDA-NEFF TO FILL THE REMAINDER OF A TWO-YEAR TERM ENDING ON DECEMBER 31, 2010 AND FOR THE TWO-YEAR TERM BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2012.

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Item A-2

Adoption of a Resolution in Support of the Southern California Association of Government's (SCAG) "Business Friendly Principles" as Part of SCAG's Development of a Southern California Growth Strategy.

Shelly Wolfberg, Assistant to the City Manager, provided a summary of the material of record.

Mayor Armenta invited public comment.

There was no response.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R081 IN SUPPORT OF SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) "BUSINESS FRIENDLY PRINCIPLES" AS PART OF SCAG'S DEVELOPMENT OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY.

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Item A-3

Consideration of Tasks and Responsibilities Associated with Applying for and Receiving Certified Local Government (CLG) Status, and Consideration of Various Financial Incentives Available to Owners of Historically Designated Properties in Culver City.

Christine Byers, Public Art and Historic Preservation Coordinator, provided a summary of the material of record.

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Michelle Bernardin, Culver City Cultural Affairs Commissioner, expressed support for the program; noted the outdated nature of the survey; discussed passive inaction; and the City's commitment to historic preservation.

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Item A-3
(continued)

At this time, Christine Byers clarified differences between the Certified Local Government (CLG) program and the Mills Act program.

Audience participation continued:

Julie Lugo Cerra discussed the City's rating by the L.A. Conservancy; the length of time it has taken the City to take action; opportunities for property owners to maintain their properties; consultants; and support and City ties to state government.

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

Marla Koosed
Kevin Lachoff
Linda Boverman
Steven Rose
Judith Miller
Susan St. Marie

Discussion ensued between the City Council and staff regarding the minimum requirements; costs to the City and to property owners; limitations; whether property owners have a choice in being designated; CLG program versus Mills Act designations; potential legal challenges; grant eligibility; updating the Municipal Code; the 1987 survey; the need for a recognized category in the Municipal Code; CEQA challenges; the Federal Department of the Interior; and listing in the Federal Registry.

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Item A-3
(continued)

Discussion continued regarding origin of funding; whether funding historic preservation would change Redevelopment Agency priorities and preclude other projects; the ability of property owners to opt out of the designation; property owner rights; ongoing costs to maintain the CLG status; priorities for code updates; clarification that grant payments cannot be retroactive; tax savings to property owners and impacts to the City in lost tax revenue; the ability to decertify cities; the Preserve America concept; national recognition and Federal grants; City branding and landmarks; economic development and revitalization tools; CLG and the Mills Act working together; the ability of homeowners to update the interior of their homes; affects on the ability to sell the homes; the \$25,000 cap; and grant sources for survey programs.

Further discussion ensued regarding actual preservation of structures; the City ordinance; major remodeling projects; the Neighborhood Preservation Program versus the Mills Act Program; financial incentives to keep up the property; requirements for property tax reductions; contracts, required maintenance levels and inspections; custom designed programs; property designations; impacts to the General Fund; assessments and limits for assessed values; access to tax breaks; the number of qualifying homes; value of the program; survey updates; annual reporting requirements; additional responsibilities; benefits and incentives; maintenance costs; current programs that do not require designations; and whether the Mills Act is assessment based.

Discussion continued regarding limiting the number of annual projects permitted; value of the buildings giving back to the community; fees for evaluation; indemnification; the Culver Studios Master Plan; Secretary of Interior Standards; evaluating development projects; offsetting survey costs with grant funding; the Office of Historic Preservation; the review process; accountability if the project is challenged; whether to have the Cultural Affairs Commission consider the matter further; impacts to individual property owners; starting out small and expanding as things go along; economic impacts and broad issues; additional Council consideration and guidance for the Cultural Affairs Commission; comparative information from other cities; and the origin of the Mills Act.

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Item A-3
(continued)

Staff agreed to return with additional information for further Council consideration at a future meeting.

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Item A-4

Authorization to Appropriate \$10,000 from the Permit Fee Surcharge to the Building Safety Division for Part-Time Labor related to Digitization of Plans and Documents.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AUTHORIZE A BUDGET AMENDMENT INCREASING THE PERMIT FEE SURCHARGE TRANSFER TO THE BUILDING SAFETY DIVISION (41299900) BY \$10,000.00 FOR PART-TIME LABOR RELATED TO DIGITIZATION OF PLANS AND DOCUMENTS.

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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:

- Requested that when this meeting is adjourned, that it be adjourned to December 6, 2010.

Items from the City Council

Items Presented by Councilmember Malsin:

- Reported attending the Los Angeles Housing Partnership tour with Vice Mayor O'Leary.
- Received consensus to reagendaize the Bicycle and Master Plan in order to discuss redesignation of a portion of Washington Boulevard for sharrows as opposed to bike lanes, and general guidelines regarding overriding considerations.

Carol Schwab, City Attorney, clarified that the item would be reagendaized and that the motion would not be for consideration but rather to amend the plan.

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Items Presented by Councilmember Weissman:

- Wished everyone a Happy Thanksgiving and Happy Hanukkah.

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Items Presented by Councilmember O'Leary:

- Reported serving on a subcommittee to create a mission statement for the Westside Council of Governments.
- Reported news on the plastic bag ordinance.
- Reported attending a meeting of the Independent Cities Association.
- Wished everyone a Happy Thanksgiving.

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Items Presented by Mayor Armenta:

- Reported receipt of a letter from the LAX Advisory Committee indicating that Culver City appointee Jamie Wright had been removed due to unexcused absences.

Martin Cole, Assistant City Manager/City Clerk agreed to look into the matter.

- Reported attending an Animal Services Subcommittee meeting with Vice Mayor O'Leary. Requested support for the animal license application and a letter regarding licensing requirements to be posted on the City website.

The City Council concurred with the request.

- Wished everyone Happy Thanksgiving.

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November 22, 2010

Adjournment

There being no further business, at 10:30 p.m., the City Council adjourned its meeting in memory of Ray Sheeran, cousin of Vice Mayor Micheál O'Leary, to a meeting to be held on December 6, 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 January 10, 2011



CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California