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

March 1, 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: Andrew Weissman, Mayor
Christopher Armenta, Vice Mayor
D. Scott Malsin, Councilmember
Micheál O'Leary, Councilmember
Gary Silbiger, Councilmember

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Closed Session

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

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

CS-2 Public Employee Appointment
Title: City Manager
Pursuant to Government Code Section 54957

CS-3 Public Employee Appointment
Title: Fire Chief
Pursuant to Government Code Section 54957

CS-4 Public Employment
Title: City Manager
Pursuant to Government Code Section 54957

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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 7:15 p.m., with all Councilmembers present.

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Invocation/Pledge of Allegiance

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

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Public Comment – Items Not on the Agenda

Mayor Weissman invited public participation.

The following members of the audience addressed the City Council:

Tim Bomba, Race Director for the Third Annual Culver City Run Walk, reported improvements in the growing event by Sporteve.

Karlo Silbiger, Culver City School Board Member, noted the intent to create a closer relationship between the City Council and the School Board; thanked the City Council and Mark Scott regarding the possibility of using Council Chambers for School Board meetings; and he asked the City to help the School District with their website.

Councilmember O'Leary indicated that he would discuss those items with the City Council/School Board Liaison subcommittee.

Public Comment
(continued)

Roger Maxwell discussed the Google project and the importance of broadband; eligibility for submission; filing a statement of interest; the RFI; deadlines; what other cities are doing; and he asked that the City move forward with the process.

Discussion ensued between the City Council and staff regarding an update on City efforts; the size of the task; the possibility of a joint application; marketing hype; proper representation of the City; and a suggestion to have Mr. Maxwell speak with staff and provide input.

Lisa Mansfield requested the City to eliminate red light cameras, citing safety concerns and excessive fines.

Robert Zirgulis agreed that the City Council and the School District needed to work together more; he discussed traffic at the high school and middle school; asked the City Council to prevent the State and the County from collecting the huge percentage of red light camera fines which create a hardship for people; and he suggested alternate methods to increase safety.

Discussion ensued between the City Council and staff regarding cities working to localize the revenue; local adjudication; clarification that most revenue goes to the State which is recommending larger fines; concern that the fine is larger than the magnitude of the violation; and agreement to bring the item forward within the budget context.

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Consent Calendar

Item C-1

Adoption of a Resolution Authorizing the Destruction of Certain Records Retained by the Police Department.

The following member of the audience addressed the City Council:

Eleanor Osgood encouraged Councilmembers to take a look at individual items rather than the list as a whole as she felt it important to consider how maintaining the records might be beneficial in the future.

Discussion ensued between the City Council and staff regarding clarification on different types of records; alternate storage methods; the inadmissibility of certain records after a specific period of time; record keeping processes; records as a management or planning tool; employee complaints and concealed weapons applications; institutional knowledge; the necessity of a court order to look at information after a certain point; statistical information; physical records vs. internal records; state guidelines; and the cost and process for record destruction.

At this time, Councilmember Silbiger requested that the issue of employee complaints and concealed weapons be voted upon separately.

Councilmember O'Leary noted that no other Councilmembers had voiced support for separation of the items.

At this time, the following motion was proposed:

MOVED BY MAYOR WEISSMAN AND SECONDED BY COUNCILMEMBER MALSIN TO APPROVE CONSENT CALENDAR ITEMS C-1 AND C-2.

Councilmember Silbiger expressed disappointment that he was unable to vote on the items separately.

The following vote was taken:

MOVED BY MAYOR WEISSMAN AND SECONDED BY COUNCILMEMBER MALSIN, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 AND C-2.

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

Regarding Consent Calendar Item C-1, the following action was taken:

THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R009 RAUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS RETAINED BY THE POLICE DEPARTMENT.

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Item C-2

Approval of an Amendment to an Existing Professional Services Agreement with Duke's Root Control, Inc. to Increase the Authorized Amount of the Agreement for this Fiscal Year and Extend the Term of the Agreement to December 31, 2012.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH DUKE'S ROOT CONTROL, INC. TO INCREASE THE AUTHORIZED AMOUNT OF THE AGREEMENT FOR THIS FISCAL YEAR BY $50,000.00 (FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $300,000.00) AND EXTEND THE TERM OF THE AGREEMENT TO DECEMBER 31, 2012 AT A RATE OF $100,000.00 PER YEAR;

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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Announcements

Councilmember O'Leary announced a free performance of the Los Angeles Doctors Symphony Orchestra at the Veterans Memorial Building on March 7, 2010 supported by the Culver City Performing Arts Grant Program.

Councilmember O'Leary announced that he would be reading "Casey at the Bat" on March 2, 2010 at the Julian Dixon Library and he added that the Culver City Police Officers Association was inviting people to "Walk the Red Carpet" at Sony Studios on March 13, 2010.

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March 1, 2010

Joint Item

Item J-1

(1) Termination of the Contract with FEI Enterprises, Inc. for the Construction of Fire Station No. 3, Project P-857, (2) Authorization to File a Notice of Cessation, and (3) Authorization to Release a Portion of the Project Retention Funds.

Discussion ensued between the City Council and staff regarding a suggestion to examine the way contracts are awarded; concern with awarding to the lowest bidder and clarification that the City awards to the lowest responsible bidder; and a suggestion to more clearly define the word responsible in terms of contract evaluation.

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

1. TERMINATE THE CONTRACT WITH FEI ENTERPRISES, INC. FOR THE CONSTRUCTION OF FIRE STATION NO. 3, PROJECT P-857 PER SECTION 14.4 OF THE CONTRACT DOCUMENTS;

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS;

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

4. AUTHORIZE THE CITY MANAGER TO EXECUTE THE NOTICE OF CESSATION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE; AND

5. AUTHORIZE THE RELEASE OF A PORTION OF THE RETENTION (LESS 150% OF THE DISPUTED AMOUNT) IN THE AMOUNT OF $427,483.63 FOLLOWING THE EXPIRATION OF THE 35-DAY LIEN PERIOD AND THE CLEARANCE OF ALL STOP NOTICES.

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Action Items

Item A-1

Adoption of a Resolution Establishing Storefront Encroachment Permit Standards and Procedures for Use of Portions of the Public Rights-of-Way.

Councilmember O'Leary recused himself and left the dais.

The following members of the audience addressed the City Council:

Steve Rose, representing the Culver City Chamber of Commerce, reported Chamber of Commerce support for this item and thanked staff for their work.

Cary Anderson expressed concern with notification as the neighborhood was not included; removal of parking spaces to allow outdoor dining; encroachment into the neighborhood; parking infractions and the lack of enforcement; business items in a public right of way; and disturbing residents by pumping music into the neighborhood.

Councilmember Silbiger expressed disappointment with an alleged lack of enforcement of the smoking ban.

MOVED BY COUNCILMEMBER MALSIN AND SECONDED BY COUNCILMEMBER ARMENTA, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R010 ESTABLISHING STOREFRONT ENCROACHMENT PERMIT STANDARDS AND PROCEDURES FOR USE OF PORTIONS OF THE PUBLIC RIGHTS-OF-WAY.

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

Councilmember O'Leary returned to Council Chambers.

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Approval of a Memorandum of Understanding Between the City of Culver City, the City of Los Angeles, and the County of Los Angeles Related to Addressing Regional Traffic Issues.

Staff provided background on the item and clarified changes made to the document regarding monies held in reserve if any party pulled out of the agreement.

Discussion ensued between the City Council and staff regarding a possible reduction in traffic; TOD developments; opportunities for other projects; support for regional multi-jurisdictional cooperation and allowing for better planning; improving public transportation and street networks in the region; and required mitigations.

The following member of the audience addressed the City Council:

Neil Rubenstein expressed support for the purchase of articulated buses and suggested purchasing adjacent land or storing the buses at another site as space to accommodate the vehicles would be an issue.

Discussion ensued between the City Council and staff regarding formalizing the collaborative efforts with the City and the County of Los Angeles; the need for continued commitment from Culver City, City of Los Angeles and Los Angeles County to bring potential transportation projects to fruition; City Council consensus to explore the possibility of purchasing the neighboring property; agreements with other cities; regional cooperation and solutions to traffic problems; an updated circulation and traffic plan for the City; and a suggestion to create a Traffic Committee and not approve so many large developments.

Item A-2
(continued)

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

1. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CULVER CITY, THE CITY OF LOS ANGELES AND THE COUNTY OF LOS ANGELES;

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 A-3

Acceptance of Grant Award through the South Coast Air Quality Management District for the Local Government Tree Partnership and Approval of a Related Budget Amendment.

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

1. ACCEPT GRANTS FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S LOCAL GOVERNMENT TREE PARTNERSHIP PROGRAM IN THE AMOUNTS OF $9,135.00 AND $14,975.00 TO PLANT TREES ON THE SLOPE ABOVE THE CULVER CITY DOG PARK AND IN TWO AREAS OF CULVER CITY PARK FORMERLY USED FOR OIL WELL OPERATIONS;

2. AUTHORIZE A BUDGET AMENDMENT TO (1) ACCEPT THE GRANT FUNDS IN THE AGGREGATE AMOUNT OF $24,110.00 AND (2) APPROPRIATE $9,135.00 INTO 42300926 AND $14,975.00 INTO 42300927 (A BUDGET AMENDMENT REQUIRES A FOUR-FIFTHS VOTE);

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.

Item A-4

Approval of a Budget Amendment for the Ballona Creek Bikeway Project, P-900.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE A BUDGET AMENDMENT TO APPROPRIATE FUNDS FROM THE NEW DEVELOPMENT IMPACT FUND IN THE AMOUNT OF $3,000.00 TO P-900 (41700900).

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Item A-5

Adoption of a Resolution Approving a Two (2) Year Memorandum of Understanding with the Culver City Police Officers' Association for the Period of July 1, 2009 through June 30, 2011.

Mark Scott, City Manager, provided a summary of the material of record.

Serena Wright, Human Resources Director clarified that if Los Angeles County received salary decreases it would be at the City Council's discretion as to whether to decrease Culver City salaries.

Discussion ensued between the City Council and staff regarding compliments to staff and the POA on its approach; provisions of the contract; the cafeteria plan; and support for staff and the services they provide.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY MAYOR WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R011 APPROVING A TWO (2) YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CULVER CITY POLICE OFFICERS' ASSOCIATION FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2011.

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Public Comment for Items Not on the Agenda – continued.

The following member of the audience addressed the City Council:

Michael Kerr expressed concern with the budget; lamented the discontinuation of the courtesy calendar card with staff listings; asked about the lights by the Kirk Douglas Theatre; expressed concern with traffic and noise on Lucerne and around City Hall; and suggested enacting a muffler law.

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Added Item

Councilmember Silbiger expressed concern that a mistake had been made during the meeting and asked that Consent Calendar Items C-1 and C-2 be reconsidered as he had not been allowed to vote on the items separately.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECONSIDER CONSENT CALENDAR ITEMS C-1 AND C-2.

Item C-1

Adoption of a Resolution Authorizing the Destruction of Certain Records Retained by the Police Department.

The following motions were made and voted on:

MOVED BY MAYOR WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R009 AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS RETAINED BY THE POLICE DEPARTMENT EXCEPT ITEMS 6 AND 7: CONCEALED WEAPONS AND EMPLOYEE COMPLAINTS.

MOVED BY MAYOR WEISSMAN AND SECONDED BY COUNCILMEMBER MALSIN, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R009 AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS RETAINED BY THE POLICE DEPARTMENT INCLUDING CONCEALED WEAPONS AND EMPLOYEE COMPLAINTS.

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

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Item C-2

Approval of an Amendment to an Existing Professional Services Agreement with Duke's Root Control, Inc. to Increase the Authorized Amount of the Agreement for this Fiscal Year and Extend the Term of the Agreement to December 31, 2012.

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

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH DUKE'S ROOT CONTROL, INC. TO INCREASE THE AUTHORIZED AMOUNT OF THE AGREEMENT FOR THIS FISCAL YEAR BY $50,000.00 (FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $300,000.00) AND EXTEND THE TERM OF THE AGREEMENT TO DECEMBER 31, 2012 AT A RATE OF $100,000.00 PER YEAR;

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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Receipt of Correspondence

MOVED BY MAYOR WEISSMAN, SECONDED BY COUNCILMEMBER MALSIN AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE CORRESPONDENCE.

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Items from Staff

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

- Requested that the City Council adjourn this meeting to March 8, 2010.

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Items from Council

Items Presented by Councilmember Malsin:

- Discussed the job site tax allocation election noting that the Expo Construction Authority is a public agency and he wanted to be sure that the City received the sales tax that they are due.

  Discussion ensued between the City Council and staff regarding staff knowledge of the issue and the difficulty of getting the contractor to get the sub-permit.

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Items Presented by Councilmember Silbiger:

- Invited everyone to attend a rally at all schools regarding state cutbacks on March 4, 2010.

- Announced the Culver City Sister City Committee quarterly dinner meeting on March 3, 2010.

- Requested that commendations for the Academy of Visual and Performing Arts and the Culver City Continuation School be placed on the agenda for next week.

- Reported that Operation USA would be available to accept their commendation on March 8, 2010.

- Expressed concern with the public notification email list, noting that he had allegedly been dropped off the list and he requested staff to investigate how people are dropped from the list.

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Recess

The City Council recessed to Closed Session at 8:41 p.m.

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Reconvene

The City Council reconvened its meeting at 9:54 p.m., with all Councilmembers present.

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Closed Session Report

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

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March 1, 2010

Adjournment

There being no further business, at 9:55 p.m., the City Council adjourned its meeting to a Regular meeting to be held on March 8, 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 April 5, 2010

ANDREW WEISSMAN
MAYOR of the City of Culver City, California