

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE
CITY COUNCIL

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

March 12, 2012
6:30 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:30 p.m.

Present: Micheál O'Leary, Mayor
Christopher Armenta, Councilmember
Jeffrey Cooper, Councilmember
Andrew Weissman, Councilmember

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Closed Session

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

CS-1 Conference with Legal Counsel - Existing Litigation
Re: X. Damien Davis v. City of Culver City et al.
Case No. SC110955
Pursuant to Government Code Section 54956.9(a)

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Recess

The City Council recessed to Closed Session at 6:30 p.m.

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Reconvene

The City Council reconvened its meeting at 7:07 p.m. with all Councilmembers present.

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March 12, 2012

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 O'Leary indicated that there had been no Closed Session as the matter had been resolved by the City Attorney's Office.

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Presentations

Item P-1

Presentation of a Certificate of Recognition to the Girl Scouts of America for their 100th Anniversary.

Mayor O'Leary presented a Certificate of Recognition to Girl Scout Troop 4645 for the 100th Anniversary of the Girl Scouts.

A representative for Assembly member Holly Mitchell presented a Certificate of Recognition to Troop 4645 for their great work on behalf of Culver City, noting the many examples of civic and volunteer engagement.

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Item P-2

Presentation of a Certificate of Recognition to the Animal Care and Control Program.

Mayor O'Leary presented a Certificate of Recognition for the Animal Care and Control Program to Animal Control Officer Corolla Fleeger and others on the team, expressing appreciation for their work on behalf of the Culver City animals.

The following member of the audience addressed the City Council:

Deborah Weinrauch, representing Friends of Culver City Animals, thanked Animal Control Officer Fleeger and the City for their work on behalf of the animals.

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Community Announcements by City Council Members/Information Items from Staff

Mayor O'Leary encouraged everyone to buy Girl Scout Cookies; announced a concert by Performing Arts Grant recipients Vox Femina on March 18, 2012 at the Culver City Presbyterian Church; and he announced the passing of Shirley Schalman, a member of the Senior Center and a long-time volunteer.

Councilmember Cooper thanked KNX Radio for coming to Culver City and broadcasting comprehensive coverage of the City with a live feed at the Culver Hotel on March 9, 2012.

Mayor O'Leary reminded everyone to attend an event honoring Community Heroes at the Senior Center on March 15, 2012.

Daniel Hernandez, Parks, Recreation and Community Services Director, thanked the Rotary Club for their donations to the Teen Center and he provided contact information for the Community Heroes Event.

Martin Cole, Assistant City Manager/City Clerk, announced a candidates' forum hosted by "Ask to Know" at the Actor's Gang Theatre on March 14, 2012.

March 12, 2012

Adjourn in Memory

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF SHIRLEY SCHALMAN, MEMBER OF THE SENIOR CENTER AND A LONG-TIME VOLUNTEER.

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Joint Public Comment - Items Not on the Agenda

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Laura Stuart, Campaign Manager for Scott Malsin, clarified his position on the Animal Control program and discussed an email sent by Deborah Weinrauch and Friends of Culver City Animals.

Ken Ruben announced the passing of Culver City resident Jerry Brown; he presented a photo of Mr. Brown and talked about his life; and he requested that the meeting be adjourned in his memory.

Barbara Honig, representing the Culver City Sister City Committee, discussed the runners from Culver City who participated in the Senzchu Marathon in Kaizuka, Japan.

Kathleen McCann, Chair of the Kaizuka Committee, reported that on March 15, 2012, runners from Kaizuka, Japan would be arriving to participate in the Los Angeles Marathon and she extended an invitation to a welcoming dinner at Santa Maria BBQ on March 18, 2012.

Matthew Seeberger reported participating in the Senzchu International Marathon in Kaizuka, Japan along with Mary Elizabeth Pohl; and he thanked the City Council for the opportunity to represent the City and noted how important the program is.

March 12, 2012

Public Comment
(continued)

Barbara Honig noted the anniversary of the Japanese Tsunami, and reported receipt of a letter from the Mayor of Kaizuka singing the praises of the Culver City representatives.

Marla Wolkowitz, Chair of the US/Mexico Sister Cities Association Convention, thanked the City Council for partnering with them to promote the City; and she thanked staff, the Downtown Business Association, the Chamber of Commerce, the event speakers, many businesses in the City, and others for their support during the event.

Cary Anderson reported the installation of the new meters and signage downtown; discussed the average daily number of street meter violations in the City; questioned when enforcement would begin; reported a broken kiosk and issues with the number listed to call for information; he questioned how parking enforcement would address the two hour limit; and he reported that he would be attending the Parking Industry Expo in Chicago.

Mayor O'Leary asked that Mr. Anderson leave the kiosk phone number with the City Clerk so that the issue could be rectified.

Neil Rubenstein discussed the number of employees drawing pension checks each month and costs to the City; he indicated that he was upset by comments made earlier by Laura Stuart; and he suggested that rules of decorum be instituted and enforced.

Mayor O'Leary indicated that rules were enforced when staff was aware of the issues.

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Adjourn in Memory

MOVED BY MAYOR O'LEARY, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF JERRY BROWN, LONG-TIME CULVER CITY RESIDENT.

March 12, 2012

Receipt of Correspondence

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

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Consent Calendar

MOVED BY COUNCILMEMBER COOPER, 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 SPECIAL MEETING OF JANUARY 30, 2012 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FROM FEBRUARY 18, 2012 – MARCH 2, 2012.

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March 12, 2012

Item C-3

(1) Approval of the Final Plans and Specifications and (2) Authorization of the Advertisement of Bids for the Robertson Boulevard Pedestrian/Transit Connection Improvements Project, P-943.

THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS FOR THE ROBERTSON BOULEVARD PEDESTRIAN/TRANSIT CONNECTION IMPROVEMENTS PROJECT, P-943; AND,
2. AUTHORIZE ADVERTISING FOR BIDS FOR CONSTRUCTION OF THE ROBERTSON BOULEVARD PEDESTRIAN/TRANSIT CONNECTION IMPROVEMENTS PROJECT, P-943.

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Item C-4

Adoption of a Resolution Establishing a Post-Employment Welfare Benefits Program Trust.

THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2012-R025 APPROVING THE POST-EMPLOYMENT WELFARE BENEFITS PROGRAM TRUST AGREEMENT BETWEEN THE CITY, PFM ASSET MANAGEMENT LLC, AS TRUST ADMINISTRATOR, AND UNION BANK, N.A., AS TRUSTEE AND CUSTODIAN, AND AUTHORIZING THE CITY MANAGER, CITY ATTORNEY, AND CHIEF FINANCIAL OFFICER TO EXECUTE ALL DOCUMENTS AND TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE TRUST; 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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March 12, 2012

Item C-5

Approval of an Amendment to the Existing Professional Services Agreement with Tyler Technologies for the Purchase and Implementation of a Business License Module for the Munis Finance System.

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT FOR AN AMOUNT NOT-TO-EXCEED \$102,590.00 WITH TYLER TECHNOLOGIES TO PROVIDE SOFTWARE AND PROFESSIONAL SERVICES TO REPLACE THE HDL BUSINESS LICENSE SYSTEM; AND,
2. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO APPROVE CHANGE ORDERS TO THE AMENDED PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT-TO-EXCEED \$10,000.00, 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.

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Item C-6

Adoption of an Ordinance Authorizing a Contract Amendment between the Public Employees' Retirement System (PERS) and the City of Culver City to Implement Section 20475, Different Level of Benefits, for Newly Hired Safety Plan Members in the Police Officers' Association (POA), Police Management Group (PMG), Firefighters' Association (FFA) and Fire Management (FMG).

THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2012-001 AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY OF CULVER CITY TO IMPLEMENT SECTION 20475, DIFFERENT LEVEL OF BENEFITS FOR NEWLY HIRED SAFETY PLAN MEMBERS IN THE POLICE OFFICERS' ASSOCIATION (POA), POLICE MANAGEMENT GROUP (PMG), FIREFIGHTERS' ASSOCIATION (FFA), AND THE FIRE MANAGEMENT GROUP (FMG).

March 12, 2012

Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

(1) Waiver of Formal Bid Procedures Relative to an Award of a Contract for a Public Works Project for the Sepulveda AIP Phase III, P-797; (2) Approval of an Amendment to the Existing Construction Contract with Palp, Inc. dba Excel Paving Company for the Construction of an Interlocking Paver Crosswalk at the Intersection of Sepulveda Boulevard and Lindblade Avenue; and (3) Approval of a Related Budget Amendment.

Councilmember Weissman received clarification from the City Attorney that he did not have a conflict and could participate in consideration of the item as his residence was not located within 500 feet from the area being considered.

Staff provided a summary of the material of record.

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

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

Mayor O'Leary invited public comment.

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Item PH-1
(continued)

The following member of the audience addressed the City Council:

Steven Rose, representing the Culver City Chamber of Commerce, discussed the public outreach meetings for the area noting that the Bicycle Master Plan putting sharrows on Sepulveda Boulevard was not addressed; he reported concerns by the Chamber with lowering traffic capacity on a busy City street; expressed concern that vehicles and bicycles were being put in harm's way; he discussed visibility at night; expressed concern with putting extra traffic onto Sawtelle Boulevard and Overland Avenue; and he suggested that other streets would accommodate bicycles better.

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

Discussion ensued between the City Council and staff regarding pavers at the intersection of Lindblade Street and Sepulveda Boulevard; the selection process; the initial concept design; volume; pedestrian enhanced crosswalks; creating an area that is conducive to walking; what would best serve the area; which area has the higher volume of pedestrian traffic; location of the sharrows; liability; Bicycle Master Plan meetings; effects of sharrows on traffic; whether traffic would be moved to side streets; clarification that there is no conference of rights, rather the sharrows simply alert drivers and cyclists of their right to be there; bifurcating the vote and having staff return with additional information regarding liability; other sharrows in the City; and sharrows in other cities.

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Item PH-1
(continued)

Following discussion, the following was made:

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

1. WAIVE THE FORMAL BIDDING PROCEDURES FOR THE CROSSWALK PROJECT (A WAIVER OF THE FORMAL BID PROCEDURES REQUIRES FOUR AFFIRMATIVE VOTES); AND,
2. APPROVE AN AMENDMENT TO THE EXISTING CONSTRUCTION CONTRACT WITH PALP, INC. DBA EXCEL PAVING FOR CONSTRUCTION OF AN INTERLOCKING CONCRETE PAVER CROSSWALK AT THE INTERSECTION OF SEPULVEDA BOULEVARD AND LINDBLADE STREET IN THE AMOUNT OF \$127,980.00; AND,
3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$31,995 (25% OF AMENDED BID AMOUNT) FOR PROJECT CONTINGENCY; AND,
4. DIRECT STAFF TO RETURN WITH ADDITIONAL LIABILITY INFORMATION REGARDING SHARROWS BEFORE THEY ARE IMPLEMENTED.

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Joint Action Items

Item JA-1

Joint City Council and Parking Authority Board Agenda Item: Continued Discussion Regarding Dynamic Message Signs for the Downtown Real Time Motorist Information System Project.

Staff provided a summary of the material of record.

Councilmember Weissman received clarification with regard to the relocation of the dynamic messaging signs.

March 12, 2012

Item JA-1
(continued)

Mayor O'Leary invited public comment.

The following member of the audience addressed the City Council:

Cary Anderson expressed concern with the placement of signs and providing enough time for drivers to make a decision and react.

Discussion ensued between the City Council and staff regarding location of the signs; visibility; design of the signs; parking opportunities in the downtown area; placement of the Madison Avenue sign; staff agreement to study the La Salle Avenue intersection for possible placement; distance of clear visibility; sign repairs; median versus sidewalk installation; the Jasmine Avenue location; a request that if the La Salle Avenue/Jackson Avenue location is not feasible, that the matter return to the City Council for further consideration; issues with center median placement; and support for the smaller signage.

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE THE ALTERNATE DYNAMIC MESSAGE SYSTEM SIGNS OVER THE SIDEWALK IN THE REAL TIME MOTORIST INFORMATION SYSTEM PROJECT BID SPECIFICATIONS WITH STAFF TO STUDY PROPOSED SIGN PLACEMENT TO PROVIDE AMPLE LEAD TIME FOR MOTORISTS.

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March 12, 2012

Action Items

Item A-2
(out of sequence)

(1) Receipt and Filing of the Fiscal Year 2011/2012 Mid-Year General Fund Budget Report, and (2) Approval of Proposed Budget Amendments.

Mayor O'Leary invited public comment.

There was no response.

Councilmember Weissman received clarification that the staff report was complete and stood on its own.

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

1. RECEIVE AND FILE THE FISCAL 2011/2012 MID-YEAR GENERAL FUND REPORT AS PROVIDED IN ATTACHMENT NO. 1; AND
2. APPROVE THE BUDGET AMENDMENTS AS PROPOSED IN ATTACHMENT NO. 2.

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Item A-1

Discussion Regarding City Council Members' Health Benefits

Serena Wright, Human Resources Director, discussed information received from the City of Santa Monica after the agenda was posted regarding Councilmember medical benefits.

Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Cary Anderson discussed Councilmember medical benefits; what people in other jobs received for benefits; and costs to the City.

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Item A-1
(continued)

Karlo Silbiger discussed the fiscal component; the leadership component; health benefits while Councilmembers serve; School Board benefits; and duplicate benefits.

Jim Clarke suggested removing Councilmembers from the Executive Management Team to enable negotiation of a separate agreement for health benefits; he discussed current CalPERS options to exclude certain groups of employees; exclusion of elective officers from CalPERS unless they elect to join; setting ground rules for having Councilmembers join; the minimum monthly benefit; and he noted that if the Council chose to opt out of CalPERS, he supported the health benefit plan utilized by the Culver City Unified School Board members.

Goran Eriksson, representing the Culver City Chamber of Commerce, expressed support for City paid health benefits for Councilmembers after they leave the Council and he suggested examining the total compensation package for City Councilmembers.

Martin Cole, Assistant City Manager/City Clerk, read written comments submitted by:

Meghan Sahli-Wells

Discussion ensued between the City Council and staff regarding the history of Councilmember health benefits; the elimination of lifetime retiree medical benefits for Councilmembers; current and future Councilmembers; Public Employees Medical Care Health Act minimums; statutory requirements; term limits; separating the City Council from receiving the same benefits as the Management Group; a feeling that benefits are appropriate while serving but not beyond; a survey of surrounding cities; clarification regarding benefit amounts for new and returning Councilmembers; and whether City Councilmembers are employees.

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Item A-1
(continued)

Further discussion ensued regarding fiscal challenges; the process for a contract amendment; concern that the issue is being brought up for political reasons; previous changes to Councilmember health benefits; consideration of a tax assessment district; concern with the use of the term "part-time" to describe the work of the City Councilmembers; service to the City; serving on outside Boards and Commissions; negotiating big picture items with bargaining groups; clarification that there has never been a discussion of Councilmember benefits; short term and long term financial benefits to the City as a result of negotiations with employee groups; timing of the discussion; the appropriate forum for the discussion; pride in the labor negotiations with bargaining groups; duties of Councilmembers versus Board of Education members; the motive for serving on the City Council; next steps in the process; contract amendments, ordinances and resolutions; the statutory minimum; consistency with surrounding cities; and pension and other benefits.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER ARMENTA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL DISCUSS CITY COUNCIL MEMBERS' HEALTH BENEFITS; AND DIRECT STAFF TO BRING BACK A RESOLUTION FOR ADOPTION THAT WOULD TAKE THE CITY COUNCIL OUT OF PERS AND REMOVE BENEFITS EQUIVALENT TO THE BENEFITS OF THE MANAGEMENT GROUP; AND THAT RETIRED CITY COUNCILMEMBERS' MEDICAL INSURANCE BENEFITS BE REDUCED TO THE STATUTORY MINIMUM CITY CONTRIBUTION OF \$112 PER MONTH.

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March 12, 2012

Public Comment for Items Not on the Agenda (Continued)

Mayor O'Leary invited public participation.

There was no response.

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Items from the City Council

Items Presented by Councilmember Armenta:

- Announced mobile phone auditions at Westfield Shopping Center for the X-Factor Talent Program.

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Items Presented by Mayor O'Leary:

- Wished everyone a safe and happy St. Patrick's Day.

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March 12, 2012

Adjournment

There being no further business, at 9:28 p.m., the City Council adjourned its meeting in memory of Shirley Schalman, member of the Senior Center and a long-time volunteer; and Jerry Brown, long-time Culver City resident, to a meeting to be held on March 26, 2012.

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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 _____

ANDREW N. WEISSMAN
MAYOR of the City of Culver City, California