

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

December 6, 2010
5:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:00 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 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-2 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

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Recess

The City Council recessed to Closed Session at 5:01 p.m.

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Reconvene

The City Council reconvened its meeting at 7:04 p.m. with all Councilmembers present.

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Closed Session Report

Vice Mayor O'Leary indicated that there was nothing to report out of closed session.

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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 Richard Ochoa, Culver City Civil Service Commissioner.

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Presentations

Item P-1

A Presentation to the City Council from Culver City Sister City, Inc. regarding a Recent Visit to Culver City's Sister City of Lethbridge, Ontario (Canada).

Barbara Honig, Culver City Sister Cities Committee, thanked Vice Mayor O'Leary for traveling to Lethbridge, Canada.

Vice Mayor O'Leary narrated a slide show of photos from the recent visit to Lethbridge and reported on his experiences there.

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Item P-1
(continued)

Barbara Honig presented footage of Vice Mayor O'Leary on television in Lethbridge, Canada and extended an invitation to a potluck dinner on December 8, 2010.

Marla Wolkowitz, Culver City Sister Cities Committee, reported presenting a copy of the original agreement between Culver City and Lethbridge to the City Council.

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Public Comment - Items Not on the Agenda

Vice Mayor O'Leary invited public comment.

The following members of the audience addressed the City Council:

Fred Yglesias announced the anniversary of World War II and discussed his experiences during the war and veterans coming home from Iraq and Afghanistan.

Neil Rubenstein extended an invitation to attend a dedication on December 8, 2010 to Julian Dixon at the County Library in Culver City; and he thanked Los Angeles County Supervisor Mark Ridley Thomas and Julie Lugo Cerra for their efforts.

Mark Olsen, Southern California Edison, provided an update on upgrades in the area and he discussed plug-in electric vehicles and the new Smart Meter.

Rich Waters reported that the 9900 Culver building was a source of consternation for the neighborhood; discussed alleged promises made regarding usage of the building versus current uses; and he expressed concern with parking issues, broken promises and enforcement.

Discussion ensued between the City Council and staff regarding the various operational aspects of the business; a comparison of what was presented and what is currently onsite; misunderstandings with the community; by-right uses versus discretionary uses; and support for the business.

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Public Comment
(continued)

Bill Reid discussed Culver City's status as The Heart of Screenland and announced an exhibit at the Academy of Motion Pictures Arts and Sciences in Beverly Hills entitled "85 Years of Treasures from the Warner Brothers Photo Labs".

Tony Pappas presented a public records request and a 1986 newspaper article regarding a lawsuit; requested an update on a Municipal Code Appeals committee hearing in October where there was a request to investigate alleged selective enforcement; and he expressed concern with transparency and costs involved with Peace Officers Standard Training and the Police Retirement System.

Martin Cole, Assistant City Manager/City Clerk, clarified that Code Enforcement officers are required to go through specific training; and he agreed to verify whether that made them safety retirees under the City retirement.

Catherine Yanda discussed concern among neighbors regarding 9900 Culver; the benefits of having a market to walk to in the area; communication with the owners; she praised the Planning Department's response to her concerns; and she felt that the business was a benefit and could coexist with the neighborhoods.

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

Carlos Gutierrez
Usman Madha, Director, King Fahad Mosque

Referencing the written comment from Usman Madha, Councilmember Cooper noted that Friday afternoon parking was not only an issue for the Mosque but also for the neighborhood; and he noted traffic and safety issues in the area, requesting that the matter be agendized.

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Public Comment
(continued)

Discussion ensued between the City Council and staff regarding previous consideration of the Tilden Terrace project; the street sweeping contractor; a City-wide review of street sweeping procedures and trash pick up days as part of the work program; coordination between schools, businesses, and churches; trash pick up days and street sweeping days; specific issues with regard to Tilden Terrace; the importance of addressing the matter in a timely fashion; and public input.

The City Council agreed to agendize a discussion of coordination between schools, businesses, churches, trash pick up days and street sweeping days during the first quarter of 2011.

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Announcement

Vice Mayor O'Leary announced that Action Item A-1 [Approval of an Agreement with Athens Services to Transport Refuse and Recyclable Material from the City's Transfer Station] had been pulled from the agenda. He invited anyone present to speak on the item at this time.

There was no response.

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Adjourn in Memory

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT WHEN THE MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF JACK KYSER, FORMER CHIEF ECONOMIST FOR THE LOS ANGELES COUNTY ECONOMIC DEVELOPMENT CORPORATION.

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December 6, 2010

Consent Calendar

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-2 THROUGH C-5.

Item C-2

Introduction of an Ordinance Accepting the Requirements of the Commission on Peace Officer Standards and Training (P.O.S.T.) Relating to the Recruitment and Training of Public Safety Dispatchers.

THAT THE CITY COUNCIL INTRODUCE ORDINANCE NO. 2010-006 ACCEPTING THE REQUIREMENTS OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) RELATING TO THE RECRUITMENT AND TRAINING OF PUBLIC SAFETY DISPATCHERS.

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Item C-3

This Item Intentionally Left Blank

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Item C-4

Award of a Construction Contract to West Coast Storm Inc., as the Lowest Responsive and Responsible Bidder, for the Fabrication and Installation of Full Capture Catch Basin Devices, P-497, Bid No. 1456.

THAT THE CITY COUNCIL:

1. AWARD A CONSTRUCTION CONTRACT TO WEST COAST STORM INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF \$847,410.00 FOR FABRICATION AND INSTALLATION OF FULL CAPTURE CATCH BASIN DEVICES PROJECT; AND,
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS, IF NECESSARY, IN AN AMOUNT NOT TO EXCEED \$84,741.00; 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-5

Allocation of Funds for the 2011 Performing Arts Grant Program as Recommended by the Cultural Affairs Commission.

THAT THE CITY COUNCIL ALLOCATE FUNDS FOR THE 2011 PERFORMING ARTS GRANT PROGRAM AS RECOMMENDED BY THE CULTURAL AFFAIRS COMMISSION AND AS OUTLINED IN THE STAFF REPORT.

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December 6, 2010

Joint Consent Calendar

Item JC-1

Acceptance of the Sony Pictures Entertainment Contribution toward Cultural and City Programs in the Amount of \$25,000 (\$21,500 to the City and \$3,500 to the Redevelopment Agency) for Fiscal Year 2010/2011 and Approval of Proposed Program Allocation.

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

1. ACCEPT THE SONY CONTRIBUTION OF \$21,500.00; AND,
2. APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$21,500.00 AND ALLOCATE AMOUNTS TO CITY PROGRAMS AS RECOMMENDED BY STAFF IN THE FISCAL ANALYSIS SECTION.

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The following Consent Calendar item was discussed separately:

Item C-1

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

Vice Mayor O'Leary invited public participation.

The following members of the audience addressed the City Council:

Rich Waters noted that the Redevelopment Agency was being investigated and he felt that, for the purpose of perception, it would be best to wait to destroy the documents until after the investigation is complete.

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Item C-1
(continued)

Discussion ensued between the City Council and staff regarding concerns that documents proposed for destruction might be necessary to the investigation; the annual report of the Redevelopment Agency; expenditures of low/moderate housing funds; permissible uses of these funds; audit information filed with the State; assurances that all records had been kept for the legally required retention period; Redevelopment Agency budgetary items; permanent retention of original budgets; record retention compliance; clarification that no items proposed for destruction need to be maintained in the legal interest of the Redevelopment Agency nor do they relate to the Redevelopment Agency investigation; promotional material for the housing preservation programs; public perception; and a suggestion to table the item.

Sol Blumenfeld, Community Development Director, agreed to provide the City Council with a copy of the memorandum and comments provided to the State.

Further discussion ensued between the City Council and staff regarding receiving a response from the State; Agency line items in the budget; a request for further clarification on which documents are proposed for destruction; motivation for actions by the State; the Senate oversight report; erroneous newspaper reports; clarification that ten cities were undergoing the same investigative process with the State; and agreement to hold the item until further information is received.

Audience participation continued:

Meghan Sahli Wells appreciated that the item was being held over; hoped for additional information on the issue with the Redevelopment Agency funds; questioned why budget documents from 2007 were proposed for destruction and the reasoning behind the decision; she asked about digital backup files; requested more specifics regarding which budget documents were slated for destruction; and she suggested that any Redevelopment Agency documents being considered not be destroyed as a precautionary measure.

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Item C-1
(continued)

Jeff Muir, Chief Financial Officer, clarified that the dates after which it is permissible to destroy documents were set forth in the Government Code; noted storage constraints; and he indicated that the information slated for destruction was duplicated within other documents.

Audience participation continued:

Tony Pappas questioned the number of pages being disposed of; expressed concern with the destruction of possible evidence and public perception; and discussed the focus of the consultant on the cost allocation plans.

Robert Zirgulis expressed support for transparency and suggested that the documents be retained.

Egon Monostory read a copy of a letter he had submitted to the City Council; expressed concern with an alleged conspiracy to destroy evidence and obstruction of justice; asked that the records be retained; and noted a previous unsuccessful request by him to have City records retained.

Neil Rubenstein expressed support for postponing the issue; reported making a public records request; questioned costs to store the documents; and felt that two to three years was not a sufficient amount of time to retain records.

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

Darryl Cherness

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Joint Public Hearing

Item JPH-1
(out of sequence)

(1) Approval of a Disposition and Development Agreement Between the Culver City Redevelopment Agency and Exceptional Children's Foundation for Property Located on Machado Road and (2) City Council Approval of the Sale of the Property.

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

Vice Mayor O'Leary called for a staff report.

Staff provided a summary of the material of record.

Discussion ensued between the City Council and staff regarding whether modifications to the CUP or other documents were required; issues with the Reciprocal Easement Agreement (REA) and entitlements; necessary City processes to resolve the issue of spillover parking; modifications to the CUP granted by the Planning Commission; responsibility for the costs to make the minor modification of the REA; the maximum fee amount; responsibility for City permit fees; a suggestion to make an amendment to clarify the language regarding fees; language regarding vehicular and pedestrian ingress and egress; and concern with a possible conflict between provisions.

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

Vice Mayor O'Leary invited public participation.

The following members of the audience addressed the City Council:

Richard Ochoa, President/Board Member, The Classics at Heritage Park Homeowners Association, expressed thanks to the City Council and staff for efforts on this matter.

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Item JPH-1
(continued)

Bobbie Abood thanked all of those who helped the community address the parking situation.

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

Linda Shahinian

Sol Blumenfeld, Community Development Director, responded to the written comment noting that the Machado Road property would be used for secondary parking, thereby minimizing pedestrian circulation issues.

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

Discussion ensued between the City Council and staff regarding accessibility; overflow parking; appreciation for resolution of the issue; language regarding developer duties to cover certain fees; modification to the REA; and praise to Bobbie Abood and staff for their work on the matter.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL ADOPT RESOLUTION NO. 2010-R082 APPROVING THE SALE OF PROPERTY LOCATED AT THE CORNER OF SEPULVEDA BOULEVARD AND MACHADO ROAD (STUDIO DRIVE-IN REMNANT PROPERTY) THAT WAS PURCHASED BY THE CULVER CITY REDEVELOPMENT AGENCY (WITH TAX INCREMENT FUNDS) TO EXCEPTIONAL CHILDREN'S FOUNDATION, PURSUANT TO SECTION 33433 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

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December 6, 2010

Joint Item

Item J-1

Further Discussion Regarding a Policy Related to Special Event Sponsorship and Financial Support of City- and Agency-Sponsored Events.

Jeremy Green, Cultural Affairs Administration and Special Projects Coordinator, provided a summary of the material of record.

Vice Mayor O'Leary invited public participation.

The following member of the audience addressed the City Council:

Dr. Jay Shery, Culver City Exchange Club, thanked staff and the City Council for their work on this item.

Discussion ensued between staff and the City Council regarding proposed Memorandums of Understanding (MOU) with organizations; the ability of the City to evaluate the economic benefit of any enterprise; fee waivers; appreciation for the work of staff providing structure and criteria; the panel review process; measuring community benefit; 501(c)(3) organizations; timing of the Notice of Funding Assistance (NOFA); composition of the committee; the county advisor; honorariums; and City Council discretion regarding the way funds are awarded.

Discussion continued regarding staff time involved with the MOUs; implied ongoing commitment and ability to reevaluate support; the ability to audit; clarifications that the Downtown Business Association and Chamber of Commerce MOUs are for two years; requested dollar amounts; ability to accommodate a large event; increasing the money available; adding a discussion of potential negative impacts; residential and business concerns; concern with using the NOFA process; the benefits of keeping funding low; the competitive process; a fixed sponsorship structure; locking in MOUs for a specific period of time; forms of staff assistance; distinctions between fee waivers and staff time; setting an hour allocation to the event; fees waived as soft costs; a cash funding grant process; reimbursement to the City from the Redevelopment Agency for services; and quantifying staff time.

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Item J-1
(continued)

Vice Mayor O'Leary suggested that, in the future, funding assistance would be that the Redevelopment Agency would give cash to the event and any incurred fees or staff time would be the responsibility of the entity holding the event.

Further discussion ensued between the City Council and staff regarding previous car show repayment of staff hours leading up to and including the day of the show; setting dollar amounts for new events; a suggestion that charges for staff time be reduced after the first year of a recurring event; and a request for information on whether other cities charge for staff coordination time.

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Action Items

Item A-1

Approval of an Agreement with Athens Services to Transport Refuse and Recyclable Material from the City's Transfer Station.

This item was pulled from the agenda.

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Public Comment for Items Not On the Agenda (continued).

Vice Mayor O'Leary invited public participation.

There was no response.

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Receipt of Correspondence

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

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Items from Staff

No action was taken on this item.

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Items from the City Council

Items Presented by Councilmember Malsin:

- Enjoyed the tree lighting event at Town Plaza.

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Items Presented by Mayor Armenta:

- Also appreciated the tree lighting event.
- Announced an event to honor the life of Congressman Julian Dixon on December 8, 2010 at the Julian Dixon Library in Culver City.
- Wanted to make sure that the City was not losing a position on the LAX Advisory Committee.

Martin Cole, Assistant City Manager/City Clerk, acknowledged the unique situation with Culver City sending an elected official to these meetings; noted that one of the two appointed community members had been removed for lack of attendance; and he received City Council consensus that an item be brought forward in January to appoint another member to fill the vacant position.

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Items Presented by Councilmember Cooper:

- Thanked staff for their work on the tree lighting event.
- Requested that short term plans for Parcel B be expedited so the lot can be utilized while it is vacant.

Discussion ensued between the City Council and staff regarding proposed uses for the lot; costs to grade the lot and do landscaping; interest in holding a crafts fair on the site; short term, temporary, and long term uses; reluctance to invest in a temporary use; support for short term uses without City expenditure of funds; support for a month by month crafts fair; and a reminder of a previously adopted City policy to allow short defined term uses with little preparation.

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Items Presented by Vice Mayor O'Leary:

- Reported attending a press conference in Sacramento regarding the single use plastic bag ordinance.

At this time, Councilmember Malsin clarified that Culver City could adopt the Los Angeles County plastic bag ordinance by reference and could enter into an agreement with the County for enforcement pending further research by the City Attorney's office.

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December 6, 2010

Adjournment

There being no further business, at 10:04 p.m., the City Council adjourned its meeting in memory of Jack Kyser, former chief economist for Los Angeles County Economic Development Corporation, to a meeting to be held on December 13, 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