

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

January 10, 2011
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

o0o

Closed Session

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

CS-1 Conference with Legal Counsel - Anticipated Litigation
Re: Initiation of Litigation - One Case
Pursuant to Government Code Section 54956.9(c)

CS-2 Conference with Legal Counsel - Existing Litigation
Re: FEI Enterprises, Inc. v. City of Culver City, et al.
Case No. BC437130
Pursuant to Government Code Section 54956.9(a)

CS-3 Conference with Real Property Negotiators
Re: 8926 and 8930 Venice Boulevard
City/Agency Negotiators: John Nachbar, City Manager/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director; Todd Tipton, Deputy Community Development Director
Other Parties Negotiators: Max and Gary Rhodes (8926 Venice) and Bob and Ben Kalmuk (8930 Venice Boulevard)
Under Negotiation: Price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8

January 10, 2011

CS-4 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-5 Conference with Legal Counsel - Anticipated Litigation

Re: Significant Exposure to Litigation - (1 item)

Pursuant to Government Code Section 54956.9(b)(1)

o0o

Recess

The City Council recessed to Closed Session at 5:00 p.m.

o0o

Reconvene

The City Council reconvened its meeting at 7:09 p.m. with all
Councilmembers present.

o0o

Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the
Pledge of Allegiance was led by Patricia Siever, member, Culver
City School Board.

o0o

Closed Session Report

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

o0o

January 10, 2011

Presentations

Item P-1

A Proclamation in Honor of the Dr. Martin Luther King, Jr. Celebration to be held on January 15, 2011 and a Presentation to the City Council Related Thereto.

Mayor Armenta presented the proclamation.

Patricia Siever thanked the City Council for their support, introduced committee members, and presented a slide show regarding the upcoming celebration.

o0o

Item P-2

Presentation of Certificates of Recognition to the Participants in the Language Exchange with Colegio La Calma of Zapopan, Mexico.

The City Council presented Certificates of Recognition to the participating students.

A representative of the group discussed the program and thanked the City for their support.

o0o

January 10, 2011

Public Comment - Items Not on the Agenda

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Rachel Johnston, representing Angel City Derby Girls, announced their season opener on January 30, 2011 at Veterans Auditorium; she distributed fliers, and thanked the City for their support.

Vicki Daly Redholtz, Parks, Recreation and Community Services Commissioner, extended an invitation to a presentation in lieu of the February Commission meeting entitled "Words Matter" with speaker Dr. Earl Ofari Hutchinson; noted the speech would be followed by a discussion; and she indicated that fliers for the event were available at the back of the Council Chambers.

Matthew Hetz, Culver City Symphony Orchestra, announced an all women composers concert at Veterans Auditorium on January 29, 2011, noting that the concert was made possible in part by a grant from the Culver City Performing Arts program and Sony.

Tony Pappas questioned statements allegedly made in the press by Councilmember O'Leary.

Los Angeles County Supervisor Mark Ridley Thomas extended an invitation to the 19th Annual Empowerment Congress at USC on January 15, 2011; and he discussed the event noting that fliers with additional information were available in the back of the Council Chambers.

Mayor Armenta thanked Mr. Thomas for the invitation and for visiting the meeting.

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

Marta Zaragoza

January 10, 2011

Public comment continued:

Rich Waters expressed concern with dying ficus trees in the City and discussed his previous requests that the issue be addressed and the supposed lack of action by the City.

Charles Herbertson, Public Works Director/City Engineer, discussed City efforts to address the issue.

o0o

Adjourn in Memory

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF KATHLEEN MOONEY, SISTER OF PATTI MOONEY, SENIOR MANAGEMENT ANALYST IN THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, IT BE ADJOURNED IN MEMORY OF THE VICTIMS OF THE TUCSON, ARIZONA SHOOTINGS ON JANUARY 8, 2011, WITH A LETTER SENT TO THE APPROPRIATE PARTIES.

o0o

Announcements

Councilmember Malsin announced an e-waste event on January 15, 2011 for electronic waste by the Culver Palms United Methodist Church.

o0o

January 10, 2011

Consent Calendar

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-3 AND C-4.

o0o

Item C-3

Approval of a Professional Service Agreement with Blackboard Connect, Inc. (Formerly the NTI Group) for the Connect CTY System.

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLACKBOARD CONNECT TO PROVIDE THE CITY WITH AN EMERGENCY NOTIFICATION SYSTEM IN AN AMOUNT NOT TO EXCEED \$32,000.00 ANNUALLY AND FOR A TERM EXPIRING ON JUNE 30, 2014; 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.

o0o

January 10, 2011

Item C-4

Approval of a Professional Services Agreement with Nelson\Nygaard Consulting Associates in the Amount of \$124,999 to Conduct a Line-by-Line Analysis for Culver CityBus, as Required by the Federal Transit Administration.

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NELSON NYGAARD CONSULTING ASSOCIATES IN AN AMOUNT NOT-TO-EXCEED \$124,999.00 TO CONDUCT A LINE-BY-LINE ANALYSIS; 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.

o0o

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

Item C-1

Meeting Minutes

The following member addressed the City Council:

Tony Pappas requested that it be noted for the record that the agenda was allegedly being breached as he was not allowed the full five minutes to speak and he questioned whether the meeting reflected statements made by Councilmembers Malsin and Cooper regarding parking tickets.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 6, 2010; THE REGULAR MEETING OF NOVEMBER 22, 2010; AND THE ADJOURNED REGULAR MEETING OF DECEMBER 6, 2010 AS SUBMITTED.

o0o

January 10, 2011

Item C-2

Cash Disbursements

The following member of the audience addressed the City Council:

Tony Pappas questioned whether anyone had looked at the 140+ page document; he asked about specific payments; and he suggested that Councilmembers examine the document carefully.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN, AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR DECEMBER 4, 2010 TO DECEMBER 31, 2010.

o0o

Item C-5

Receive and File Audited Financial Statements for Fiscal Year Ending June 30, 2010.

The following member of the audience addressed the City Council:

Egon Monostory questioned the status of a public records request he filed in December 2010 regarding a variance between the general ledger and accounts receivable; he questioned statements made by the auditors; asked about the materiality threshold; expressed concerns with alleged inaccuracies; and he discussed certificates in excellence for financial reporting.

Jeff Muir, Chief Financial Officer, indicated that there were no material findings from the auditors this year; he reported that the financial statements properly reflect the financial position of the City; discussed a recommendation relating to accounts receivable; acknowledged issues and indicated that the item would return before the end of the fiscal year to be addressed; and he indicated that the response to the public records request would be in the mail tomorrow.

January 10, 2011

Item C-5
(continued)

Discussion ensued between the City Council and staff regarding the discrepancy and attempts to reconcile the numbers; the customer list and balances; information legally allowable to share; issues with some amounts not properly credited; forgivable loans by the Redevelopment Agency; uncollectible amounts; going out to bid for new auditors in the spring; the net financial standing of the Agency; and the aged accounts receivable system.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 2010.

o0o

Action Item

Item A-1

Approval of the Submission of Applications for the Los Angeles County Metropolitan Transportation Authority 2011 Call for Projects.

Staff provided a summary of the material of record and clarified changes to fines.

Mayor Armenta invited public participation.

There was no response.

January 10, 2011

Item A-1
(continued)

Discussion ensued between the City Council and staff regarding contracting out a shuttle to serve the station and loop through Downtown Culver City and the Hayden tract; possible funding restrictions; operation service contracts; capital acquisition; the regional component; the application for improvements at Jefferson Boulevard and Overland Avenue; procuring a grant for a pedestrian activated crosswalk by the Julian Dixon Library; safety improvements at Braddock Drive and Elenda Street; the application process; appropriate grant funding opportunities; competitive projects; State and Federal Safe Route to Schools programs; the proposed traffic signal at Jefferson Boulevard and Hetzler Road; funding for articulated buses; impacts on the maintenance facility; and different parking scenarios.

Further discussion ensued regarding a proposal to privatize sanitation transfer vehicles; portable equipment lifts; timing of responses to grant requests; bicycle improvements on Overland Avenue; the feeder shuttle; concern with proof needed to justify the Jefferson Boulevard traffic signal; a bridge into the Hayden Tract; staff efforts to secure alternative grants for the pedestrian improvements and signal at Hetzler Road; concern with being tied to requested technology that could be outdated by the time it takes to get the grants; the adaptive traffic system; and a suggestion to share the capital projects with state representatives.

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

1. APPROVE THE SUBMITTAL OF THE APPLICATIONS FOR THE 2011 METRO CALL FOR PROJECTS FOR THE PROJECTS OUTLINED IN THE STAFF REPORT; 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.

Councilmember O'Leary questioned what would be involved to study the feasibility of a pedestrian bridge and staff agreed to do preliminary research on the matter.

January 10, 2011

Public Comment for Items Not on the Agenda - continued.

Mayor Armenta invited public participation.

The following members of the audience addressed the City Council:

Kevin Klowden, member, LAX Area Advisory Committee, indicated that the Committee was down to one full time member out of three possible and he asked that a seat be filled; he suggested that the Mayor have a full time proxy or open it up to appointment; and he provided an update on the most pertinent items recently discussed by the Committee.

Discussion between staff and the Agency Board ensued regarding encouragement to Mr. Klowden to provide frequent updates to the City Council; providing an additional representative; clarification that two positions are open for applications which are currently being accepted; and agreement that the item come before the City Council for acceptance in February.

Mr. Klowden offered to brief interested parties on what the position entails.

Cary Anderson thanked the City arborist for his diligence after the recent windstorm; noted that the City calendar was not up to date with regard to which Fridays City Hall would be closed; expressed disappointment with public notification procedures for the Jazz Bakery item; and expressed concern with parking enforcement in the downtown area.

Member Armenta asked about notification processes.

Martin Cole, Assistant City Manager/City Clerk, acknowledged the importance of notice and urged residents to keep their email addresses updated in the system; encouraged people to use the computer at the back of Council Chambers to sign up for email notification; he agreed to verify email addresses and to check on why the list of closed Fridays was not on the City website as it should be.

o0o

January 10, 2011

Receipt of Correspondence

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

o0o

Items from Staff

No action was taken on this item.

o0o

Items from the City Council

Items Presented by Councilmember Weissman:

- Discussed the notice provision in the ENA agreement for the Jazz Bakery item.
- Inquired about notification procedures.

Martin Cole, Assistant City Manager/City Clerk, indicated that an agendized discussion of notification would be coming forward shortly.

- Inquired when implementation of the parking consultants' recommendations and public comments would be coming forward.

o0o

Items Presented by Councilmember Malsin:

- Inquired when issues of decorum in City Council meetings, agenda format and length of time for public speakers would be addressed.

Martin Cole, Assistant City Manager/City Clerk, reported that the item was currently with the Agenda Formatting Subcommittee.

o0o

January 10, 2011

Items Presented by Councilmember O'Leary:

- Requested City staff to RSVP for him for the California Legislative Black Caucus event.
- Requested a replacement Adjourn in Memory certificate for Ray Scherin.
- Asked about adjusting the City Council meeting schedule in February, as he will be absent for one meeting.

A discussion ensued between the City Council and staff regarding altering the February meeting schedule. The City Council concurred to make no changes.

o0o

Items Presented by Councilmember Cooper:

- Clarified the adjournment in memory of and received clarification that staff would write a letter for Congresswoman Gabrielle Giffords' speedy recovery.
- Wished everyone a Happy New Year.

o0o

January 10, 2011

Items Presented by Mayor Armenta

- Reported discussions with School Board liaisons regarding the use of Council Chambers on the fourth Tuesdays of each month, noting that the joint use agreement would be coming to the City Council and he requested that the item be placed on the agenda as soon as possible since School Board budget discussions would be taking place and he felt they should be presented to the public on the live feed.

John Nachbar, City Manager, indicated that while staff would get the item back before the City Council as soon as possible, the Joint Use Agreement would take some time.

- Expressed concern with increased graffiti in the eastern portion of the City and suggested stepping up patrols in that area.
- Wished everyone a Happy New Year.

o0o

January 10, 2011

Adjournment

There being no further business, at 9:32 p.m., the City Council adjourned its meeting in memory of Kathleen Mooney, sister of Patti Mooney, Senior Management Analyst in the Parks, Recreation and Community Services Department; and the victims of the Tucson, Arizona shooting on January 8, 2011, to a meeting to be held on January 24, 2011.

oOo



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 February 7, 2011



CHRISTOPHER ARMENTA

MAYOR of the City of Culver City, California