

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE CITY COUNCIL,
CULVER CITY HOUSING AUTHORITY BOARD,
AND SUCCESSOR AGENCY TO THE CULVER CITY
REDEVELOPMENT AGENCY BOARD

REGULAR MEETING OF THE
CITY COUNCIL, CULVER CITY
HOUSING AUTHORITY BOARD,
AND SUCCESSOR AGENCY TO THE CULVER CITY
REDEVELOPMENT AGENCY BOARD
CULVER CITY, CALIFORNIA

August 26, 2019
5:30 p.m.

Call to Order & Roll Call

Mayor Sahli-Wells called the regular meeting of the City Council to order at 5:30 p.m. in the Mike Balkman Chambers at City Hall.

Present: Meghan Sahli-Wells, Mayor
Göran Eriksson, Vice Mayor
Alex Fisch, Council Member
Daniel Lee, Council Member
Thomas Small, Council Member

Note: The City Council also sits as Members of the Governing Board(s) convened as part of the meeting.

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Closed Session

At 5:30 p.m. the City Council recessed to Closed Session to consider the following items:

CS-1 CC - Conference with Legal Counsel - Existing Litigation
Re: David Christensen v. City of Culver City
LASC Case No. BC659873
Pursuant to Government Code Section 54956.9(d)(1)

CS-2 CC - Conference with Real Property Negotiators

Re: Remnant Parcel (Assessor Parcel No. 4215-001-020) on Machado Lane Adjacent to 11111 Jefferson Blvd, 5350 & 5380 Sepulveda Blvd.

City Negotiators: John Nachbar, City Manager; Sol Blumenfeld, Community Development Director; Todd Tipton, Economic Development Manager Murray Kane, City Special Counsel

Other Parties Negotiators: Dominic Adducci, John Buck Company
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

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Reconvene

Mayor Sahli-Wells reconvened the meeting of the City Council at 6:34 p.m. with all Members present.

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Recognition Presentations

Item R-2
(Out of Sequence)

CC - A Proclamation to Sister City Lethbridge, Canada, in Celebration of 30 Years of Friendship with the City of Culver City

Mayor Sahli-Wells presented the Proclamation.

The former Mayor of Lethbridge thanked the City; discussed services for senior citizens in Lethbridge and in Culver City; he presented Mayor Sahli-Wells with gifts from their City; and he noted the importance of taking a long term view of the partnership between the two cities.

Jozelle Smith provided background on the origin of the twinning of Lethbridge with Culver City.

The current Mayor of Lethbridge thanked Culver City for their assistance; discussed touring Culver City; celebrating the relationship between the two cities; and he presented gifts to Mayor Sahli-Wells.

Mayor Sahli-Wells presented books about the history of Culver

City to the visitors.

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Item R-1

CC - Presentation of Commendations to Former Commissioners, Board Members, and Committee Members in Recognition of Their Service to the Culver City Community

Council Member Fisch presented a Commendation to Vicki Daly Redholtz for her tenure on the Civil Service Commission and on the Parks, Recreation and Community Services Commission.

Vicki Daly Redholtz thanked the City for the honor and for the opportunity to serve.

Vice Mayor Eriksson presented a Commendation to Susan Osborne for her service on the Disability Advisory Committee.

Susan Osborne thanked the City Council for the honor and indicated that she would continue her work to support individuals with disabilities.

Council Member Small presented a Commendation to Kenneth Rothschild for his work on the Landlord Tenant Mediation Board.

Kenneth Rothschild thanked the City for the opportunity to serve; discussed rent control; the current Board; and he thanked Alan Corlin for his support in being appointed to the Board.

Council Member Lee presented a Commendation to Elizabeth Voncannon for her service on the Landlord Tenant Mediation Board.

Elizabeth Voncannon thanked the City for the opportunity to serve.

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Regular Session

Mayor Sahli-Wells convened the meeting of the Culver City Housing Authority Board and the Successor Agency to the Culver City Redevelopment Agency Board at 7:00 p.m. with all Members present.

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Invocation/Pledge of Allegiance

John Nachbar, City Manager, led the invocation and the Pledge of Allegiance was led by Hope Parrish.

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Closed Session Report

Mayor Sahli-Wells indicated nothing to report out of Closed Session.

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Community Announcements by City Council Members/Information Items from Staff

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF DR. SARAH CARPENTER.

Council Member Lee reported attending the party for the visitors from Lethbridge, and he congratulated staff and volunteers from Fiesta La Ballona.

Mayor Small echoed kudos to staff and volunteers for Fiesta La Ballona.

Vice Mayor Eriksson discussed Fiesta La Ballona; announced a meeting sponsored by the Chamber of Commerce on September 11 for property owners who want to learn how to upgrade their buildings for earthquake security at the Four Points Sheraton; and he noted that August 26 would have been Steve Rose's 75th birthday.

Council Member Fisch discussed Fiesta La Ballona and announced the General Plan Update Process Kickoff meeting on September 3 with an Open House at the Wende Museum on September 4.

Mayor Sahli-Wells reported that, in response to concerns raised by the community, Item C-10 had been pulled from the agenda for discussion at a special City Council meeting and she noted that audience members were free to leave comments and contact information to be alerted to the date of the special meeting.

Council Member Lee announced a meeting on the proposed development at 11111 Jefferson Boulevard scheduled for August 29 at Temple Akiba.

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Presentations to City Council

Item P-1

CC - Presentation by the Los Angeles County Registrar-Recorder/County Clerk's Office Regarding the Vote Center Placement Project (VCP) and How Voting Will Change in 2020

Jeff Klein provided a presentation on Voting Solutions for All People (VSAP), discussed changes happening for the elections starting in March 2020; changing how LA county voters vote; partnerships with cities and community organizations to get the word out; same day voter registration; the transition to an electronic poll book; vote by mail ballots; interactive sample ballots; accessibility; languages; mobile vote centers; adding flexibility; extended hours; consolidation of materials; cost savings; reduced numbers of provisional ballots; location and size of vote centers; the voting process; period of time voting is open; internet requirements; outreach events; demo centers; full implementation; the March 2020 election; partnerships; and he provided contact information.

Jeremy Green, City Clerk, indicated that the Patacchia Room had been identified as a small location for a mock election.

Discussion ensued between Mr. Klein, staff and Council Members regarding the internet issue; hacking; organizations interested in outreach and collaboration; email contact information for the voting centers; City events; tabling at the Farmers Market; receipts for voting; the non-partisan role of the organization; battery powered devices and generators; the ability to revert to a paper system; backup systems; security; paper ballots; auditing; the air gap in the tally room; staffing; poll workers; improving service to voters; training; and City Council

consensus was achieved to agendize a discussion of voting centers in Culver City.

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Joint Public Comment - Items Not on the Agenda

Mayor Sahli-Wells invited public comment.

The following members of the audience addressed the City Council:

Meg Sullivan discussed section 2j of the Temporary Rent Freeze Ordinance; felt that the language should be clarified similarly to the way it is noted in the Rent Stabilization Ordinance in the City of Los Angeles; she stated that details collected on rent applications were necessary to pursue tenants who do not pay rent; noted the importance of opportunities to screen the background of prospective tenants for safety reasons; and the need for sustained, detailed input from housing providers.

Mayor Sahli-Wells expressed appreciation for the input and indicated that staff would be releasing a timeline and would follow up with Ms. Sullivan.

Dr. Janet Hoult noted the anniversary of the Women's Equality Act and the 19th amendment to the constitution allowing women the right to vote; discussed Fiesta La Ballona; the Artist Laureate Program; the Culver Arts Foundation and the Cultural Affairs Commission; and she read a poem regarding Fiesta La Ballona.

Hope Parrish, Culver City Historical Society, invited everyone to the Founders' Day Picnic on September 16 at the Veterans Memorial Picnic area and she indicated that flyers were available at the back of Council Chambers.

Hillary Sherman discussed Item CS-2; concerns with safety; construction; traffic and congestion; the scope and the scale of the project; and she expressed hope that residents would be able to have a voice in the process.

Margot Bennett, Women Against Gun Violence, provided background on the organization; discussed an earlier request of the City Council to agendize a safe gun storage ordinance similar to that in Los Angeles; noted that the majority of K-12 school shootings are committed by minors with guns from home; expressed support

for the agenda item to fly flags at half-staff; noted that local government can work to prevent gun violence; and she asked that the City Council agendaize a discussion of safe gun storage.

Mayor Sahli-Wells received clarification that the City Council had agreed to put the issue on an agenda, and staff agreed to provide information.

Jim Shanman, Safe Routes to School Coordinator, distributed a calendar and buttons to Council Members to promote safety and alternative forms of transportation; provided a presentation on the Safe Routes to School program; discussed making a commitment to improve health and safety in the community; upcoming events; and statistics from the survey.

Council Member Lee encouraged Mr. Shanman to meet with the new Director of Transportation.

Mirna Berny expressed frustration with traffic on Glencoe; requested turning restrictions or a barrier; discussed landscaped buffering; and she felt the response she had received from City Hall was inadequate.

Mayor Sahli-Wells asked that the City Manager's Office follow up with Ms. Berny.

Eric Shabsis, Bright Horizons, asked that an item be placed on the next agenda regarding initiation of a zoning text amendment to conditionally allow healthcare facilities in the IL zone which no longer houses intensive uses.

Mayor Sahli-Wells received City Council consensus to place an item on the agenda for the next City Council meeting.

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Receipt and Filing of Correspondence

Jeremy Green, City Clerk, indicated that one email had been received for Items Not on the Agenda; nine emails were received for Item C-5, five for C-6, 23 were received for A-2, and one was received for Item A-3.

MOVED BY VICE MAYOR ERIKSSON, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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Order of the Agenda

Mayor Sahli-Wells noted that Item PH-1 would be started and then put on hold while the ballots were counted and other agenda items were heard; she reiterated that Item C-10 had been pulled from the agenda for consideration at a special meeting; and Item A-2 was moved before the Public Hearing.

Jeremy Green, City Clerk, reported that speaker cards had been received from Mark Lipman and Howard Cogan who would be notified when the item is considered again, and that speaker cards had been received for Items C-5, C-6 and C-15.

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Consent Calendar

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1, C-2, C-3, C-8, C-9, C-11, C-12, AND C-14.

Item C-1

CC:HA:SA - Approval of Cash Disbursements for August 3, 2019 to August 16, 2019

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR AUGUST 3, 2019 TO AUGUST 16, 2019.

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Item C-2

CC:HA:SA - Approval of Minutes for the Regular Consolidated City Council Meeting on August 12, 2019

THAT THE CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE MINUTES FOR THE REGULAR CONSOLIDATED CITY COUNCIL MEETING ON AUGUST 12, 2019.

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Item C-3

CC - (1) Approval of an Agreement with Community Partners (dba Sustainable Works) to Continue the Citywide Sustainable Business Certification Program for a One-Year Term, with an Optional Second Year, in an Aggregate Amount Not-to-Exceed \$186,000 (\$176,000 Base Amount and \$10,000 in Contingency Authority)

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH COMMUNITY PARTNERS (DBA SUSTAINABLE WORKS) TO ADMINISTER A CITYWIDE SUSTAINABLE BUSINESS CERTIFICATION PROGRAM FOR A ONE-YEAR TERM, WITH AN OPTIONAL SECOND YEAR, IN AN AGGREGATE AMOUNT NOT-TO-EXCEED \$186,000 (\$176,000 BASE AMOUNT AND \$10,000 IN CONTINGENCY AUTHORITY); AND,
3. IF COMMUNITY PARTNERS IS ABLE TO CERTIFY A MINIMUM OF 10 BUSINESSES THE FIRST YEAR AND PROVIDED FUNDS ARE ALLOCATED IN THE FY 2020/21 BUDGET, AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY APPROVE AN AMENDMENT TO THE AGREEMENT FOR A SECOND YEAR; AND,
4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE AMENDMENT(S) TO THE AGREEMENT WHEN DEEMED NECESSARY IN AN AMOUNT NOT-TO-EXCEED AN AGGREGATE AMOUNT OF \$10,000 AS A CONTINGENCY OVER THE POTENTIAL TWO-YEAR PERIOD; AND
5. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
6. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-8
(Out of Sequence)

CC - Adoption of a Resolution Approving Extension of Time, P2019-0148-ET, to Allow a One-Year Extension of Tentative Tract Map No. 74021, P2016-0041-TTM, for a Five-Unit Condominium Project

at 3961 Tilden Avenue

THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING EXTENSION OF TIME, P2019-0148-ET, ALLOWING A ONE-YEAR EXTENSION OF TENTATIVE TRACT MAP NO. 74021, P2016-0041-TTM, SUBJECT TO ALL PREVIOUSLY APPROVED CONDITIONS OF APPROVAL AS STATED IN PLANNING COMMISSION RESOLUTION NO. 2016-P005.

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Item C-9

CC - Approval of an Amendment to the Existing Professional Services Agreement with Advantec Consulting Engineers in an Additional Amount Not-to-Exceed \$111,000 for Traffic Engineering Support Services for the Adaptive Traffic Control System (ATCS) Project, PL-005

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH ADVANTEC CONSULTING ENGINEERS IN AN AMOUNT OF \$111,000 FOR TRAFFIC ENGINEERING SUPPORT SERVICES THE ADAPTIVE TRAFFIC CONTROL SYSTEM (ATCS) PROJECT, PL-005; 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-10

CC - (1) Approval of a Purchase Order with Lenco Industries for one Lenco BearCat Rescue Vehicle in an Amount Not-to-Exceed \$450,000; and (2) FOUR-FIFTHS VOTE REQUIREMENT: Approval of a Related Budget Amendment

This item was pulled and removed from the agenda for consideration at a special meeting.

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Item C-11

CC - Adoption of Resolution Declaring its Intention to Issue Tax-Exempt Obligations and Approving the Reimbursement of City Funds Expended on Sewer Capital Improvement Projects from Bond Proceeds, If Issued

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION DECLARING ITS INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS AND APPROVING THE REIMBURSEMENT OF CITY FUNDS EXPENDED ON SEWER CAPITAL IMPROVEMENT PROJECTS FROM BOND PROCEEDS, IF ISSUED;
2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-12

CC - Receive and File the Measure Y Sales Tax Status Report as Approved by the Finance Advisory Committee

THAT THE CITY COUNCIL: RECEIVE AND FILE THE MEASURE Y SALES TAX STATUS REPORT.

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Item C-14

CC - Ratification of Amendment to an Existing Professional Services Agreement with AON Risk Insurance Services West, Inc. to Continue Providing Broker Services for the City's Insurance Programs through June 30, 2020

THAT THE CITY COUNCIL: RATIFY THE AMENDMENT TO AN EXISTING PROFESSIONAL SERVICES AGREEMENT WITH AON RISK INSURANCE SERVICES WEST, INC TO CONTINUE PROVIDING BROKER SERVICES FOR THE CITY'S INSURANCE PROGRAMS THROUGH JUNE 30, 2020.

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Item C-4
(Out of Sequence)

CC - Approval of an Amendment to the Existing CivicSpark Fellowship Program Agreement in the Amount of \$51,000 for Fiscal Year 2019/2020

Mayor Sahli-Wells reported serving on the board of the Local Government Commission that is helping with the Ballona Creek revitalization but noted there are no financial conflicts.

THAT THE CULVER CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING CIVICSPARK FELLOWSHIP AGREEMENT IN THE AMOUNT OF \$51,000 FOR FISCAL YEAR (FYI) 2019/2020; 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-5

CC - Approval of a Temporary Use Permit (P2019-0155-TUP) for The Culver Studios to Allow Expanded Construction Hours Related to the Finishing of Heavy Daytime Concrete Pouring Associated with the Construction of a Parking Structure Located at 9336 Washington Boulevard

Mayor Sahli-Wells invited public input.

The following members of the audience addressed the City Council:

Ray indicated living adjacent to the Culver Studios parking lot and he expressed opposition to extending construction hours.

Discussion ensued between staff and Council Members regarding the process to grant expanded construction hours; finishing work related to concrete pouring; the limited scope of work; the requested technical studies; regulatory maximums; lighting and noise; Conditions of Approval; and recourse for residents if there is an issue.

Jim Sur, Hackman Capital, acknowledged that they are conducting a major construction project in the middle of a neighborhood

and thanked the neighbors for their patience; discussed what has been accomplished so far; the process; timing; the need to complete the finishing work; allowing extra time for any difficulties that could arise; he asserted that the ten, single day concrete pours would be individually noticed to the neighbors and spaced out over six months; discussed the finishing process; lighting; completion of the necessary technical studies which found no significant impact by the proposed activities; the truck route; construction impacts and other aspects that have been problematic for the neighbors; the steel frame; mitigation; the timeline for completion; outreach to the neighbors; the recent community meeting; and contact information.

Discussion ensued between the developers, staff and Council Members regarding clarification that if the study is not commensurate with lived experience, residents can contact the Studio, or the City with concerns; ensuring that promises are delivered on; acknowledgement of the length of the major project; accelerating the construction period; the possibility that, for ten nights, the process could extend until 10 p.m.; trade-offs; notifications in advance of the ten concrete pours; and the ability of the permit to be revoked if there are issues with any of the concrete pours

Amanda Nepomuseno discussed the already excessive construction hours; noise and lack of privacy during the process; she noted that she had not been aware there was any recourse to address issues; discussed concrete pours; the constant noise and vibration; and she felt that the only people aware of what is going on are the people on Van Buren.

Mayor Sahli-Wells discussed dissemination of contact information to residents, and she reported that she lives near the project but has been advised by the City Attorney that there is no conflict of interest in voting on the item.

THAT THE CITY COUNCIL:

1. APPROVE A TUP FOR THE CULVER STUDIOS TO ALLOW EXTENDED HOURS FOR THE FINISHING OF CONCRETE POURING ASSOCIATED WITH THE CONSTRUCTION OF A PARKING STRUCTURE LOCATED AT 9336 WASHINGTON BOULEVARD BEGINNING THE EFFECTIVE DATE OF THE TUP DECISION LETTER, SUBJECT TO THE CONDITIONS OF APPROVAL HEREIN AND FINDINGS SET FORTH IN THE STAFF REPORT; AND
2. AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR TO PREPARE AND

ISSUE THE TUP ON BEHALF OF THE CITY.

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Item C-6

CC - (1) Adoption of a Resolution Establishing Wireless Encroachment Permit Fees in the Public Right-of-Way Pursuant to Culver City Municipal Code Section 11.20.065.F.4; and (2) Adoption of a Resolution Establishing Design and Development Standards for the Installation of Small Cell Sites in the Public Right-of-Way Pursuant to Culver City Municipal Code Section 11.20.065.E.4; and (3) Approval of the General Terms and Conditions Agreement and the Light Pole Facility Addendum Related Thereto

Joe Susca, Senior Management Analyst, reported changes made to Section 4.1 a in the General Terms and Conditions regarding Culver Connect Network in response to feedback: "If a user represents an addendum in order to use the Culver Connect Network, user represents that, with respect to its use of the Culver Connect Network, is not currently party to, and agrees that it will not in the future enter into, any contractual, physical, or legal restriction or other type of restriction that would restrain competition in the use or operation of the Culver Connect Network."

Mayor Sahli-Wells invited public input.

The following members of the audience addressed the City Council:

Diana Rojas, Verizon Wireless, discussed the draft resolutions; the wireless encroachment permit fees; pole costs; the FCC order regarding removing barriers to broadband deployment; safe harbors; non-recurring fees; colocation; the need for a cost study from the City; the need for the City to provide proper evidence of cost incurred; and providing an updated cost study to justify higher rates than set by the FCC.

Michael Cintron, Crown Castle, provided background on the company; discussed the need for additional discussion to resolve disagreements; the new clause added by the City; terms of access for right of way; he asked that the City Council continue the item to allow for further discussion in relation to the light pole attachment agreement; terms of access to the right of way; City infrastructure; establishment of fees; and the request for

a cost study to justify fees.

Corey Autrey, AT&T, discussed the General Terms and Conditions and Light Pole Addendum documents, and he asked that the item be deferred pending further discussion.

Ursula Moran, AT&T, discussed parts of the Light Pole agreement that need additional discussion and she acknowledged that it would not make sense to create an agreement for each individual carrier, but she instead requested an industry meeting to talk through points within the agreement.

Peggy Fisher discussed the dangers of 5G; negative affects to health; other cities that have taken a stand; she asked the City Council to take a stand; and she provided information to Council Members on the issue.

Gary Silbiger asserted that the City Council's hands were not tied; he discussed federal regulations; California law; rights of cities; the obligation of the City Council to protect the health and safety of residents; he expressed concern with insufficient noticing; discussed research; scientific reports; and he felt the item should be agendized as an action item with additional notice given to the community.

Daisy Uy Kimpang, Verizon, discussed the resolution establishing design and development standards for wireless facilities, and she thanked staff for the opportunities to work and collaborate on the standards.

Discussion ensued between staff and Council Members regarding the process; costs; the consultant; outreach; health concerns; City discretion; timeframe to act; and deadlines.

Dale Koresh, BBK Law, discussed health concerns; limitations to using the public right of way; court cases and decisions; design standards; safety issues; limitations in state and federal law; limitations of RF emissions; established safety standards; and requiring that the applicant meet established standards.

Additional discussion ensued between the consultant, staff and Council Members regarding keeping RF antennas as far asway as possible; the standard conditions of approval; the required study after the installation of small cell equipment; FCC orders that impose shot clocks; colocation; supporting documentation; necessary findings to justify fees; cost recovery; efforts to gain more power in the process; the ability of cities to control

their own infrastructure; the FCC veto; regulations that protect public health and comply with FCC requirements; non-negotiable facts; and support for implementation.

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION ESTABLISHING ENCROACHMENT PERMIT FEES FOR WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO CCMC SECTION 11.20.065.F.4; AND,
2. ADOPT A RESOLUTION ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR THE INSTALLATION OF SMALL CELL SITES IN THE PUBLIC RIGHT-OF-WAY PURSUANT TO CCMC SECTION 11.20.065.E.4; AND,
3. APPROVE THE GENERAL TERMS AND CONDITIONS AGREEMENT AND ITS LIGHT POLE FACILITY ADDENDUM FOR THE INSTALLATION OF SMALL CELL SITES UPON CITY-OWNED FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE SUCH AGREEMENTS WITH WIRELESS CARRIERS ON BEHALF OF THE CITY; AND,
4. ADOPT AN EXEMPTION RELATED TO THE RESOLUTION ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS, AND THE GTCS AND ADDENDUM, PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) AND DIRECT STAFF TO PREPARE AND FILE A NOTICE OF EXEMPTION ACCORDINGLY; AND,
5. CONFIRM THE PUBLIC WORKS DIRECTOR/CITY ENGINEER'S AUTHORITY TO ADMINISTRATIVELY MODIFY THE DESIGN AND DEVELOPMENT STANDARDS FROM TIME TO TIME PURSUANT TO CCMC SECTION 11.20.065.D; AND,
6. DIRECT THE PUBLIC WORKS DIRECTOR/CITY ENGINEER, WHEN CHANGES TO THE DESIGN AND DEVELOPMENT STANDARDS ARE DEEMED SUBSTANTIVE IN NATURE, TO OBTAIN INPUT FROM THE SMART CITY INFRASTRUCTURE GUIDELINES SUBCOMMITTEE PRIOR TO IMPLEMENTATION OF SUCH CHANGES; AND,
7. DIRECT THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO RETURN TO THE CITY COUNCIL FOR REVIEW AND APPROVAL OF THE DESIGN AND DEVELOPMENT STANDARDS AS NEEDED.

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Item C-7

CC - Approval of Temporary Use Permit No. P2019-0077-TUP to Allow Extended Construction Hours Related to the Installation of Solar Panel Equipment at 10820 Jefferson Boulevard

Mayor Sahli-Wells wanted to ensure real accountability for the Temporary Use Permit to go beyond regular construction hours; and she discussed providing contact information to residents and respectful behavior by the construction workers.

Brock Halterman, Sun Power, indicated that they were requesting four hours on one night to safely tie in the system to Target; he discussed the need to shut down power; length of the process; and the noise study.

Discussion ensued between Mr. Halterman and Mayor Sahli-Wells regarding contact information for the neighbors; a recent project; and support for the installation of solar panels.

THAT THE CITY COUNCIL:

1. APPROVE TEMPORARY USE PERMIT P2019-0077-TUP FOR SUNPOWER TO CONDUCT CONSTRUCTION ACTIVITIES BETWEEN 10:00 PM AND 2:00 AM ON A WEEKDAY TO BE DETERMINED, IN CONNECTION WITH THE SOLAR PANEL SYSTEM LOCATED AT 10820 JEFFERSON BOULEVARD, SUBJECT TO THE CONDITIONS OF APPROVAL HEREIN, BEGINNING THE EFFECTIVE DATE OF THE TUP, BASED ON THE FINDINGS SET FORTH IN THE STAFF REPORT; AND,
2. AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR TO PREPARE AND ISSUE THE TEMPORARY USE PERMIT ON BEHALF OF THE CITY.

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Item C-13
(Out of Sequence)

CC - (1) Approval of and (if Desired) Direction Related to the Finance Advisory Committee Work Plan; and (2) Receive and File Quarterly Report of the Finance Advisory Committee

Council Member Fisch wanted to ensure that the top priority is modernization of the business license fee; he discussed the need to place the item on the 2020 ballot; assessment of costs associated with different portions of the interim rent increase moratorium; evaluation of costs for the long term program; and

establishing the role of the FAC in the process.

Discussion ensued between staff and Council Members regarding input from the City Council on the workplan; feedback; efficiency; zoning changes in commercial areas; adding value to property owners; whether the City could share in some of the value increase; alternatives to tax increases; releasing value to the market; monetizing changes and generating revenue for the City; technical advisory committees and economic analysis; innovative parking strategies; the General Plan Consulting Team; Transit Oriented Development (TOD); ensuring that business tax remains a priority; the General Plan consultant; tapping into expertise; the value capture concept; a suggestion to ensure that the topic is discussed at the special meeting of the General Plan Update; the request of the FAC to start tackling the idea of the rent freeze; and staff agreed to report back to the FAC on work done.

THAT THE CITY COUNCIL:

1. APPROVE THE FAC REVISED WORK PLAN; AND,
2. PROVIDE DIRECTION TO THE FAC AS DEEMED APPROPRIATE; AND,
3. RECEIVE AND FILE THE 2ND FAC QUARTERLY REPORT.

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Item C-15
(Out of Sequence)

CC - Authorization of Award of \$89,000 in Grants and Designation of 23 Events as City Sponsored through the FY 2019/2020 Special Event Grant Program as Recommended by the Special Event Grant Program City Council Ad Hoc Subcommittee; (2) Authorize Up to \$10,000 in Additional Soft Costs for Special Event Administration; and (3) Authorize the City Manager to Administratively Approve Applicable City Permits and Licenses Needed to Conduct the Events

Mayor Sahli-Wells invited public input.

The following member of the audience addressed the City Council:

Nahtahna Cabanes, LA Works, thanked the City Council for their support; discussed the Impact Report; feedback from attendees; and the date for the event next year.

Ken Mand invited everyone to attend the Second Annual Art Walk and Roll Festival on October 12, and he thanked staff and the City Council for their support noting that additional information was available at www.culvercityartwalk.com.

Janiece Russell, Culver City Arts District Business Improvement District, thanked the City for their support and invited everyone to the Art Walk and Roll Festival on October 12.

Mayor Sahli-Wells thanked staff and the subcommittee for their work on the item.

THAT THE CITY COUNCIL:

1. AUTHORIZE AWARD OF \$89,000 IN GRANTS AND DESIGNATE 23 EVENTS AS CITY SPONSORED THROUGH THE FY 2019/2020 SPECIAL EVENT GRANT PROGRAM;
2. AUTHORIZE UP TO \$10,000 IN ADDITIONAL SOFT COSTS FOR SPECIAL EVENT ADMINISTRATION; AND
3. AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY APPROVE APPLICABLE CITY PERMITS AND LICENSES NEEDED TO CONDUCT THE EVENTS, PROVIDED SUCH PERMITS AND LICENSES ARE CONSISTENT WITH THE SCOPE OF THE EVENT AS SET FORTH IN THE GRANT APPLICATION (SUCH AUTHORITY SHALL NOT APPLY TO THE REQUIRED SPECIAL EVENTS PERMIT, WHICH SHALL CONTINUE TO BE ISSUED BY THE COMMITTEE ON PERMITS AND LICENSES).

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE ITEMS C-4, C-5, C-6, C-7, C-13 AND C-15.

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Mayor Sahli-Wells moved Item A-2 to be heard before the Public Hearing.

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Action Items

Item A-2
(Out of Sequence)

CC - Introduction of an Ordinance Amending Certain Provisions of Chapter 11.15, Tobacco Retailer Licensing of the Culver City Municipal Code to Prohibit the Sale of Flavored Tobacco Products, Including Menthol

Mayor Sahli-Wells invited public input and invited students to speak first.

The following members of the audience addressed the City Council:

Ashley Guerra, Culver City Youth First Tobacco Coalition, expressed concern with the teen vaping epidemic; normalization of flavored tobacco use; negative health effects of flavored tobacco products; and she felt that prohibition of the sale of flavored tobacco products would be more effective than prohibiting youth access.

Katherine Guerra, Culver City Youth First Tobacco Coalition, discussed her efforts collecting public opinion data; strong support by residents for strengthening the regulation of local retailers; youth access; concern with the extensive use by students at school; and she expressed support for protecting the health of the community by restricting access to flavored tobacco products.

Marcos Rodriguez, Culver City Youth First Tobacco Coalition, discussed his efforts; vaping occurring at the Middle School and the High School; collection of survey data; and support for a law to prohibit the sale of flavored tobacco products to protect the community and the health of the youth.

Michael Jung, Culver City Youth First Tobacco Coalition, discussed a 19 year old family member who died from cancer due to tobacco use, and he asked that the City pass the motion to restrict the sale of tobacco products to improve health and equity.

Rica Blanks, Culver City Youth First Tobacco Coalition, expressed concern with e-cigarettes and flavored tobacco

products; noted the rate at which youth are becoming addicted to tobacco products; discussed flavors targeted to youth; and she asked that the City Council protect their residents and pass the flavored tobacco ban ordinance.

Sarah Lee discussed the e-cigarette epidemic; the need for better policies; being the target of the e-cigarette and flavored tobacco market; she asked the City Council to protect Culver City youth; and she trusted the City to be a place where youth can grow up and live healthy lives.

Katerine Alegria discussed concerns with the health of youth in the community; impacts of usage on future generations; the negative ripple effect for years to come; and she asked the City to support a ban on flavored tobacco products.

Isaac Hong, Culver City Youth First Tobacco Coalition, discussed figures from the Centers for Disease Control and Prevention (CDC) regarding increased tobacco use among high school students; flavoring as the leading reason for use; the first death caused by vaping; the investigation by the CDC on the mystery lung disease related to vaping; he asserted that making flavored tobacco products less accessible would prevent many from starting to smoke; and he felt that people should not profit from or take advantage of the youth by selling the products.

Hanna Yi, Culver City Youth First Tobacco Coalition, urged the City Council to vote yes on the ban; she cited articles on lung disease related to vaping; and she felt that the safety of the community should not be put at risk to support private business.

Evelyn Balderas, Culver City Youth First Tobacco Coalition, discussed her work providing education on drugs, tobacco and alcohol at Los Angeles Unified School District (LAUSD) schools; stories shared by students about the negative consequences of tobacco products; questions on why drugs are legal if people are harmed; justification as to why flavored tobacco products should be accessible; and she asked that the City enact a ban.

Mazen Alshekh expressed support for his father's smoke shop; discussed students requesting the passage of an ordinance to protect them from "big tobacco"; he reported that he grew up around a smoke shop with his brothers, yet they do not smoke; he noted that he was taught not to smoke as it is bad for him; expressed concern with negative affects to small business owners; asked the City Council to vote no on the ordinance; and

suggested the imposition of penalties for underage tobacco possession that are similar to those for underage alcohol possession.

Heather Baker, Assistant City Attorney, reported direction from the City Council at the May 28, 2019 meeting that staff return with an ordinance for a complete ban with a 90 day implementation to allow existing businesses to sell their remaining stock on hand and she read an addition to indicate: "This section, Section 11.15.015 d 4 shall become effective on December 8, 2019."

Mayor Sahli-Wells discussed procedures for public speaking.

Jeremy Green, City Clerk, discussed procedures for ceding time.

Yvette McDowell, Law Enforcement Action Partnership, provided background on herself and the organization; expressed concern with unintended consequences if the flavor ban includes menthol cigarettes; discussed unnecessary interactions between law enforcement and communities of color; higher rates of menthol cigarettes smoked by people of color; concern with insensitivity; enforcement; long-term negative effects while not stopping kids from smoking; arrests and prosecutions for minor offenses; and concern with discriminatory impacts on people of color.

Pastor William Smart, Southern Christian Leadership Conference of Southern California, noted the difficulty of the issue; discussed youth programs; unintended consequences; and development of a plan to protect young people but not banning menthol cigarettes.

Cheryl Dorsey, Law Enforcement Action Partnership, provided background on herself; expressed concern with the criminalization of menthol tobacco which would disproportionately affect people of color; opportunities for exacerbation of contentious relationships between the police and people of color; the increased number of traffic stops for people of color since 2015 in Los Angeles; evidence of abuses; unnecessary use of force; she expressed concern with the potential for abuse; and expressed opposition to the ban.

Terry Blevins, Law Enforcement Action Partnership, provided background on himself; applauded the intention but did not feel it would eliminate the market for menthol cigarettes; expressed concern that resources would be taken away from other duties

and antagonism would be increased between police and the community; discussed effectiveness; and negative impacts to already strained relationships with people of color.

Jody Armour provided background on himself; felt that e-cigarettes should be addressed in a different way and that it is a mistake to frame the issue as youth health vs. profits of "big tobacco"; expressed concern with causing more harm than is prevented and the potential for disproportionate enforcement; implicit bias; and Eric Garner and "broken windows policing".

Rev. K. W. Tulloss, Baptist Ministries Conference of Los Angeles, discussed unintended consequences; the need for education rather than laws; Eric Garner; and he expressed opposition to the ban.

Morris Pouldar provided background on himself; discussed the negative impacts of the proposal to his business; responsible, adult customers; convenience; reduced sales tax generated for the City; kids obtaining tobacco illegally through the internet; he asserted that retailers were not the issue; and he expressed support for other options to penalize retailers for selling to minors instead of an outright ban.

Linda Becker thanked those Council Members who responded to her efforts to contact them; provided background on herself; expressed opposition to a ban; asserted that prohibitions were not effective; discussed political motivation rather than scientific data; and she asserted that she did not appreciate having the government tell her what she can do with her body.

Primo Castro, American Society Cancer Action Network, applauded the City for the strong ordinance; stated that Culver City was not the only City enacting a prohibition on flavored tobacco; discussed the history of menthol; protecting youth; negative effects of the industry; battles with the tobacco industry for 100 years; work to protect people; the need to send the right message for the overall health of people; and concern with youth speaking in favor of tobacco.

Khin Khin Gyi provided background on herself; commended the City Council for the vaping ordinance; noted the seriousness of the issue; discussed the national outbreak of severe lung illnesses from vaping; and the allure of banned items.

Ihab Alshekh provided background on himself; expressed concern with impacts to his business and to the City; discussed the

potential for the creation of a black market; the allure of banned items; he requested exemptions for age restricted establishments like his; he felt that stores should be compensated for lost business; noted the need for a unique solution to protect the kids but to allow choices for adults; and he presented signatures from residents opposed to a ban.

Andrew Mikhail, Blow Hookah, provided background on himself; felt that ban was not the correct solution and would negatively affect his business which he felt should be exempted; he asked to be grandfathered in or subcategorized; and he discussed the actions of other cities.

Muz Gammy felt that a ban on flavored tobacco products was ridiculous as kids can just get it somewhere else; discussed responsible stores; and penalties for selling to minors.

Bobby Habibi discussed his restaurant; taxes paid; Persian culture; SB38; exemptions for cultural pastimes; hookah vs. vaping; and he expressed concern with negative effects of tobacco to youth and negative effects to his business.

George Jonson provided background on himself and his business; discussed nicotine concentration for pipe tobacco; he did not want to be lumped in with vaping; noted that all tobacco is not the same; he agreed upon the core issue of keeping products out of the hands of minors; discussed the exemption in SB38; penalties; concern with disproportionate effects to the immigrant community; and he expressed concern that an illicit market would be created with a ban.

Rima Khoury, Fumari, provided background on herself; presented a hookah; discussed history of the hookah; Federal Drug Administration (FDA) regulation; demographics for hookah users; she asked for education, regulation and enforcement; and she asked for a cultural exemption if a flavor ban is enacted.

Rebecca Chu discussed social activities in different cultures; concern with the effects of a ban on flavored tobacco; and she expressed opposition to a ban, but support for regulation.

Mary Danacyan discussed her business; agreement that age restricted items should not end up in the hands of minors; third-party ID check systems; traditional culture; and she asked that non-electronic hookahs be exempted from a flavored tobacco ban.

John Naddour discussed his business; support for keeping products out of the hands of minors; vaping flavored tobacco vs. the use of hookah tobacco; and he asked that hookahs be separated from the vaping industry.

Ashley Hansen discussed differences between tobacco products; effectiveness of Culver City businesses in not selling tobacco products to youth; concern with pushing people to an unregulated and unlicensed market; the importance of gatekeepers; e-commerce; support for local business owners; allowing adults access to products; and ensuring the regulation of high nicotine products.

Johnny Touma provided background on himself; noted that online sales and parents that buy products for their children were the problem; and he encouraged the City Council to make an educated decision.

Anthony Elias provided background on himself; felt that parents and the youth who are vaping should bear responsibility; he discussed enforcement; and fines.

Dr. Kelly Kent, provided background on herself; expressed support for a ban; discussed the significant increase in student vaping; county services to educate parents and youth; noted that 21% of retailers in Culver City were willing to sell tobacco products to underage customers; flavored tobacco is marketed to youth and that is how they start; and she discussed the susceptibility of youth to addiction and helping youth avoid risk-taking choices.

Jennifer Martinez asserted that the shop where they work did not sell tobacco to minors; she expressed concern with the rise of a black market that would sell unsafe products to adults and children; felt the City was acting out of fear; discussed laws to stop sales to minors; felt that school staff and parents should be held accountable for underage use; and she urged the City to reject a ban.

Christopher Taulaki felt the ban would be redundant as laws already prohibit the sale of tobacco to minors; he reported parents coming in to buy tobacco products for their underage children; he stated that he refused to sell tobacco to minors; and he acknowledged concerns but noted that prohibiting things just meant people would find a different way to get them.

Yaneth Rodriguez, USC Institute of Prevention Research, shared

studies of transient tobacco use over time; discussed youth initiating with e-cigarettes; flavoring; the likelihood of transitioning to combustible cigarettes; marketing to vulnerable populations; predatory marketing by the tobacco industry; menthol flavoring; hookah smoking; enforcement; and the potential to reduce youth use of tobacco products with an ordinance.

Lydia Lising, Youth First Tobacco Coalition, discussed the sale of tobacco to minors by Culver City retailers; resident support for a ban; survey results; the history of the tobacco industry organizing lobbyists and retailers to oppose restrictions on the sale of their products; misleading narratives put forth; the actions of other cities; hookah as a public health issue; and schools needing help from cities.

Hilicia Guerra, Culver City Youth First Tobacco Coalition, provided statistics regarding smoking related diseases and illnesses; increased usage by minors and their underestimation of addictiveness and negative effects; difficulty of quitting; current trends; advertising; availability; and concern with the view of tobacco as just another consumer product rather than as an addictive product that kills its consumers.

Gelsey Padilla, Culver City Youth First Tobacco Coalition, discussed menthol cigarettes; disproportionate affects to minority, LGBT and youth groups; and she noted that the issue needed to be addressed.

Dr. Tony Kuo, Los Angeles County Department of Public Health, discussed preventing youth from nicotine addiction and the unintended health consequences of usage; new statistics; marketing to youth; and results of a recent CDC Study.

Amanda Staples, American Heart Association, expressed support for eliminating the sale of flavored tobacco; discussed the agenda of "big tobacco"; first time usage; experimentation by adolescents; the importance of targeting youth and hooking them early; established use; use of flavors to make starting easier; concern that if tobacco is used as intended, it results in illness and death; education; and FDA removal of flavors from combustible cigarettes with the exception of menthol in 2009.

Nicolla Ross, American Heart Association, expressed concern with the increase in e-cigarette usage among young people and studies that show that users transition to combustible cigarettes, and she asked Culver City to join other cities that have enacted a

ban on the sale of flavored tobacco in their cities.

Dr. Tomas Torices, American Academy of Pediatrics in Southern California, noted that flavors are the enemy from a public health perspective; expressed support for a ban; concern with the vaping epidemic; he asserted that the flavors are the hook to vaping; discussed escalation since 2017; product availability and strategic advertising; and the recent CDC investigation of a death due to vaping.

Jane Steinberg, USC Keck School of Medicine, expressed support for a ban on the sale of flavored cigarettes; she discussed a recent California Healthy Kids survey; access; cases of lung disease related to vaping; exposure to substances whose affects are unknown; CDC warnings; lack of regulation by the FDA; insufficient research on chemicals being inhaled; and she asked Culver City to join other cities in California to prohibit the sale of flavored tobacco products in the City.

Bobby Palliteri took issue with previous statements comparing cigarettes and hookah; acknowledged concerns with vaping but expressed discomfort with wording in the broad proposal; discussed the cultural tradition of hookahs noting that there were no issues with it until vaping came along; differences in nicotine content and chemicals; product packaging of vaping and e-cigarettes targeting children; strict 21 and over attendance for hookah lounges; concern with unregulated production outside of FDA oversight; he asked that current laws be enforced with hookahs exempted; and expressed concern with damage to small business owners.

Josefina Diaz discussed the well-documented consequences and health issues of tobacco use; targeting the youth market; leading by example; responsibility to the youth of the City; concern with tearing down the truth of the costs to health; and she encouraged Culver City to join the other 25 cities that have enacted bans on the sale of flavored tobacco products.

Yasmine-Imani McMorris, USC, Culver City Community of Color Collective, provided background on herself; discussed studies that show disproportionate harm to youth populations and to people of color; marketing tactics of the tobacco industry; impacts; data; and she expressed support for the adoption of the ordinance to ban the sale of flavored tobacco products in Culver City.

Jenni Kuida provided background on herself; expressed concern

with ease of access and the perception among Culver City youth regarding health effects; and she read comments from Disa Lindgren in support of the position of the Culver City Youth First Tobacco Committee of a complete prohibition on the sale of flavored tobacco products in Culver City with no exemptions for menthol.

Jaime Rojas, National Association of Tobacco Outlets, thanked those Council Members who were able to meet with the retailers; reported that 97% of retailers were compliant; discussed marijuana use vs. tobacco use; alcohol, marijuana and mental health issues; he urged the City Council to consider facts rather than emotional ploys; discussed money spent from outside sources; advocacy; and the process.

Jeremy Green, City Clerk, read written comments submitted by:

Fawad Ursani
Amil Ari
Manny from 711
Maryjane Paller
Allison Bubar

Jeremy Green, City Clerk, indicated that a comment from Valerie Sattazahn would be added into the record for an item previously considered.

Mayor Sahli-Wells noted that Leah Pressman's comments on behalf of Disa Lindgren had been previously read by Jenni Kuida.

Discussion ensued between staff and Council Members regarding clarification that the ordinance would not criminalize use of the product, but rather the sale of it; enforcement; penalties; concern with the use of Eric Garner to justify not banning the sale of menthol cigarettes; hookah concerns; staff research regarding onsite hookah use; underage use; off-site consumption; dangers associated with hookah use; cultural impacts; exceptions for the sale and consumption of flavored tobacco onsite at adult only establishments; pursuing a public health approach; business owners whose primary business is the sale of flavored tobacco; differences between tobacco addiction and opioid use or alcohol; concern with normalizing flavored tobacco use by youth; responsible retailers; overall effects to tobacco sales; the EU tobacco ban as a threat to overall sales; the goal to reduce the consumption of tobacco overall; providing people a chance to adapt their businesses; products that encourage adolescent usage; availability of tobacco from other sources; concern with

enacting an ordinance as an empty gesture; education; enforcement; availability; unnecessary exposure of youth to drugs; concern that a ban is not a solution; concern with hurting small businesses and pushing businesses across the street; carveouts; smokeless tobacco; increased penalties for those who sell to minors; the plastic bag ban; reducing availability; design of the Juuls so that they are easy to hide; building momentum for a statewide ban; funded opposition; the expansion of hookah shops in Culver City; feedback from health professionals; staff agreement to return with information on a hookah carveout, reported complaints, statistics on the number of hookah shops in the City and how they have been operating along with health information from the technical advisors from the county; exploring a phase out provision for shops with the sale of flavored tobacco as a significant portion of their business; concern with bankrupting small businesses in town with a 90 day phase out period; commitments made by the businesses; not allowing new businesses; dedicated smoke shops rather than businesses with multiple purposes; the cultural exemption; tobacco only retailers; clarifying concepts; wordsmithing; providing a longer phase out period for retailers that only sell tobacco and have a 21 year old age limit on who gets into the store; ensuring that Juuls are eliminated as quickly as possible; the importance of flexibility; coordination with the timeframe of Los Angeles County; fairness to existing legal operations; providing fair notice and phasing out over time; the number of affected businesses in the City; protecting the health of adults too; whether Culver City should wait for neighboring cities; leadership; unique things about Culver City; taking a practical approach; businesses that sell a product that is creating an epidemic in schools; concern with the health and safety of the community; contingency plans; means to diversify; actions of other cities; written comments that suggested a six month phase out period; the need for more research; dependency of businesses on a relatively new product; compromising by extending the phase out period to six months; business experience with regulatory change; and finding a balance between changing business models and saving lives.

Majority consensus was achieved by the City Council to pursue a flavor ban including menthol as proposed in the staff report with phase out for retail that is tobacco only, 21 years and over only access, and direction to staff to research health effects, complaints and issues surrounding on site hookah consumption.

Additional discussion ensued between staff and Council Members regarding timing; whether to incorporate the discussion of banning e-cigarettes in multi-family units; medical marijuana users; enforcement; the need for significant outreach; medical research around e-cigarettes and second-hand smoke; staff time; priorities; letting scientists and public officials do the research; pressing nuisance factors; Phase 2; and staff agreement to return with additional information.

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Public Hearings Items

Item PH-1

CC - PUBLIC HEARING: Declare the Results of the Assessment Ballot Tabulation for West Washington Benefit Assessment District No. 3 and, if there is no Majority Protest, Adopt a Resolution Ordering the Improvements, Services and Annual Levy

Mayor Sahli-Wells noted that the Public Hearing had been opened on August 12, 2019 and continued to August 26, 2019.

Mayor Sahli-Wells invited public comment.

No cards were received and no speakers came forward.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Jeremy Green, City Clerk, reported that 30 ballots had been received by the City Clerk's Office as of August 26, 2019 and would be opened and tabulated by Elaine Warner and the consultant while the next item was considered.

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Action Items

Item A-1

CC - (1) Consideration of Forfeiture of Local Business Representative Seat Number 6; and (2) Appointments to Fill One, or [if Desired] Two Unscheduled Vacancies on the Finance Advisory Committee

Onyx Jones, Chief Financial Officer, provided a summary of the material of record.

MOVED BY VICE MAYOR ERIKSSON, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE FORFEITURE OF SEAT NO. 6 - LOCAL BUSINESS REPRESENTATIVE.

Mayor Sahli-Wells invited public comment.

The following member of the audience addressed the City Council:

Andrew Lachman provided background on himself; thanked Crystal Alexander for her support of his candidacy; indicated interest in the business license tax update; and he agreed to be present for the Finance Advisory Committee meetings.

MOVED BY MAYOR SAHLI-WELLS, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPOINT ANDREW LACHMAN TO SEAT NO. 6 - LOCAL BUSINESS REPRESENTATIVE ON THE FINANCE ADVISORY COMMITTEE FOR A FULL TERM ENDING JUNE 30, 2022.

Keith Jones declined the opportunity to speak as he was engaged in ballot tabulation for Item PH-1.

Discussion ensued between staff and Council Members regarding previous applications by Randall Lentz and background on his business and depth of experience, and the value of the perspective of Mr. Jones as a resident and a member of the Chamber of Commerce in the business license tax update.

MOVED BY VICE MAYOR ERIKSSON AND SECONDED BY COUNCIL MEMBER SMALL THAT THE CITY COUNCIL APPOINT KEITH JONES TO SEAT NO. 4 - LOCAL BUSINESS REPRESENTATIVE ON THE FINANCE ADVISORY COMMITTEE FOR A PARTIAL TERM ENDING JUNE 30, 2020.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: ERIKSSON, FISCH, SMALL
NOES: LEE, SAHLI-WELLS

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Item A-3

CC - 1. Consider a Request to Fly the Flag on City Flag Poles at Half-Staff until Congress Takes Action on Gun Safety

Legislation; and/or 2. Provide Direction to the City Manager Deemed Appropriate

Shelly Wolfberg, City Manager's Office, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

No speakers came forward and no cards were received.

Discussion ensued between staff and Council Members regarding the policy from 1999; actions of other cities; symbolism; alternatives; the number of flag poles at City facilities; ensuring that the American flag flies on top; presidential proclamations to lower the flag; the goal of the movement to maintain the focus on change; whether Congress will take any action; making a bold gesture; follow up; raising the flag once safe gun storage is addressed; lowering the flag one day for each victim after incidents; symbolism combined with action; the Federal Assault Weapons Ban passed 25 years ago; designating a specific flag pole with a sign explaining the reason for flying the flag at half-mast; placing a new flag pole at Coombs Park that is flown at half-mast until action is taken; flying flags at quarter mast; outreach to promote any action taken; potential consequences of any choice; and City Council consensus was achieved to direct the Policy Subcommittee to update the old policy and make a recommendation.

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Item PH-1
(Continued)

CC - PUBLIC HEARING: Declare the Results of the Assessment Ballot Tabulation for West Washington Benefit Assessment District No. 3 and, if there is no Majority Protest, Adopt a Resolution Ordering the Improvements, Services and Annual Levy

Elaine Gerety-Warner, Community Development Department, reported results of the ballot tabulation noting that no majority protest existed.

Discussion ensued between staff and Council Members regarding the request in the staff report for the City to absorb the square footage that is part of the assessment which results in an additional \$300 on top of the general benefit assessment for a total of \$3,000 for the City; the public/private partnership

for ongoing maintenance; and concern with the additional expense.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION ORDERING THE IMPROVEMENTS, SERVICES AND ANNUAL LEVY FOR WEST WASHINGTON BENEFIT ASSESSMENT DISTRICT NO. 3.

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Public Comment - Items Not on the Agenda

Mayor Sahli-Wells invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

Council Member Fisch suggested ensuring that the work on the Reach Codes is consistent with objectives for electrification; committing to no new gas infrastructure after 2020; and examining other local government approaches to zero carbon or all electric buildings.

Discussion ensued between staff and Council Members regarding having staff report back on the process and examples from other cities for electrification of new buildings; establishing a deadline for when all new construction will be required to be all electric; changing the way people think about the need for gas in new development; and City Council consensus was achieved to place an item on a future agenda.

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Council Member Requests to Agendize Future Items

None.

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Adjournment

There being no further business, at 12:31 a.m., Tuesday, August 27, 2019 the City Council, Successor Agency to the Culver City Redevelopment Agency Board, and Culver City Housing Authority Board adjourned in memory of Dr. Sarah Carpenter, to September 3, 2019.

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Jeremy Green
CITY CLERK of Culver City, California
EX-OFFICIO CLERK of the City Council and SECRETARY of the
Successor Agency to the Culver City Redevelopment Agency
Board, and Culver City Housing Authority Board
Culver City, California

MEGHAN SAHLI-WELLS

MAYOR of Culver City, California and CHAIR of the Successor Agency to the Culver City Redevelopment Agency Board, and Culver City Housing Authority Board