

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 9, 2021
5:00 p.m.

Call to Order & Roll Call

Mayor Fisch called the regular meeting of the City Council, Culver City Housing Authority Board, and Successor Agency to the Culver City Redevelopment Agency Board to order at 5:02 p.m. via Virtual Webex.

Present: Alex Fisch, Mayor
Daniel Lee, Vice Mayor
Göran Eriksson, Council Member
Yasmine-Imani McMorrin, Council Member
Albert Vera, Council Member

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Jeremy Green, City Clerk, reported Item CS-1 had been postponed to the August 23, 2021 meeting, and she indicated that no public comment had been received for Closed Session Items.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL, CULVER CITY HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY BOARD ADJOURN TO CLOSED SESSION.

Closed Session

At 5:04 p.m. the City Council, Culver City Housing Authority Board, and Successor Agency to the Culver City Redevelopment Agency Board adjourned to Closed Session to consider the following Closed Session Items:

CS-1 CC - Conference with Labor Negotiators
City Designated Representatives: City Manager John Nachbar;
Assistant City Manager 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; Executive Management Employees
Pursuant to Government Code Section 54957.6

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CS-2 CC - Conference with Legal Counsel - Existing Litigation
LASC Case No. BC709625
Pursuant to Government Code Section 54956.9(d) (1)

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CS-3 CC - Conference with Legal Counsel - Anticipated Litigation
Re: Initiation of Litigation - One Item
Pursuant to Government Code Section 54956.9 (d) (4)

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CS-4 CC - Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - 2 Items
Pursuant to Government Code Section 54956.9 (d) (2)

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Reconvene

Mayor Fisch reconvened the City Council for Recognition Presentations at 6:48 p.m. with all Council Members present.

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Recognition Presentations

Item R-2
(Out of Sequence)

CC - Proclamation in Honor of August 2021 as Black-Owned Business Month

Jeremy Green, City Clerk, presented the Proclamation in honor of August 2021 as Black-Owned Business Month.

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Item R-1

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

Jeremy Green, City Clerk, presented Commendations to former Commissioners, Board Members and Committee Members in Recognition of their service to Michelle Ford, Len Dickter, Anne Diga Jacobsen, Kira Grimes, Josh Goldstein, Phillip Hernandez, Samantha Shanman, David Voncannon, Philip McCabe and Olga Vaysberg.

Len Dickter thanked the City for the recognition and for the opportunity to serve; discussed continued work of the Cultural Affairs Commission; he urged the City Council to take on board Commission recommendations; and he indicated that he would continue to be an engaged member of the community.

Anne Diga Jacobsen thanked the City for the opportunity to serve; expressed hope that the City Council would continue to advocate for a more car-free, bicycle and pedestrian environment; discussed community benefits to alternative transportation options; and she thanked the Bicycle and Pedestrian Advisory Committee for their leadership.

Kira Grimes thanked the City for the opportunity to serve on the Equity and Human Relations Advisory Committee.

Jeremy Green, City Clerk, noted that anyone 16 years or older can apply to serve on Committees, Commissions and Boards, and she encouraged those interested to send an email to: city.clerk@culvercity.org.

Michelle Ford thanked the City Council for the opportunity to serve; discussed her learning journey as a result of joining the Civil Service Commission; and she indicated that she was now serving as Coordinator for the Los Angeles County Assembly.

Josh Goldstein thanked the City for the opportunity to serve on the Finance Advisory Committee noting that even though he had moved away, he would be following City activities.

Jeremy Green, City Clerk, requested a forwarding address for Mr. Goldstein.

Mayor Fisch thanked all outgoing Commission, Board and Committee Members for their work.

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Regular Session

Mayor Fisch called the regular meeting of the City Council, Culver City Housing Authority Board, and Successor Agency to the Culver City Redevelopment Agency Board to order at 7:01 p.m.

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Pledge of Allegiance

Mayor Fisch led the Pledge of Allegiance.

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Closed Session Report

Mayor Fisch reported that Item CS-1 had been continued to the meeting of August 23, 2021 and that he had recused himself from Item CS-3 (later corrected: he actually recused himself from Item CS-4).

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Community Announcements by City Council Members/Information Items from Staff

Council Member Vera wished Mayor Fisch a Happy belated Birthday and indicated that he was ready to get back to work.

Council Member McMorris invited everyone to attend the upcoming General Plan Advisory Committee (GPAC) meeting on August 12; discussed the Housing Survey; she supported resident engagement in the General Plan process; and she encouraged everyone to get vaccinated.

Vice Mayor Lee noted that the Delta variant is spreading more quickly than the other variants; discussed vaccinated individuals who have gotten COVID anyway; and he encouraged everyone to get vaccinated and to wear masks.

Mayor Fisch discussed a friend who recently passed away from COVID-19; he encouraged those reluctant to overcome their reservations and get vaccinated; he asked that the meeting be adjourned in memory of Justin Thomas Jumar; and he discussed the Intergovernmental Panel on Climate Change (IPCC) Report on the State of Science on Climate Change.

Jeremy Green, City Clerk, announced the Gubernatorial Recall Election on September 14 noting that Veterans Memorial Building would serve as an 11 day voting center; she discussed drop boxes in the City; indicated that additional information was available on the City website; and she encouraged people to register to vote at lavote.net.

Mayor Fisch corrected his earlier statement in the Closed Session Report noting that he had recused himself from Item CS-4, not CS-3 as earlier stated.

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Receipt and Filing of Correspondence

Mayor Fisch reported receipt of over 300 pages of correspondence.

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

Jeremy Green, City Clerk, noted that 311 pages of correspondence had been received.

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Joint Public Comment - Items NOT on the Agenda

Mayor Fisch invited public comment.

Jeremy Green, City Clerk, explained procedures for making public comment.

The following members of the public addressed the City Council:

Ronald Ostrin expressed concern with the length of time allowed for public comment; discussed the Brown Act; concern that the City is on the verge of making big mistakes; the general lack of being able to speak as a citizen to address the City Council; the need to return to in-person meetings; enacting safety protocol; overflow for those who cannot use the internet; providing for a hybrid situation; the will of the people; elimination of R1 zoning; exclusionary politics; the need to bring democracy back to Culver City; he felt that the City Council needed to slow down; and he indicated that he did not want to see an oligarchy in Culver City.

Jim Clarke, Culver City Arts Foundation Chair, requested that the City agendize consideration of City co-sponsorship of Tito's Fiesta Mexicana; he discussed previous events to celebrate National Taco Day and National Vodka Day with proceeds from those events going to the Culver City Arts Foundation; funding directed toward the Culver City Performing Arts Grants and the Artist Laureate Program; City approval; outreach; and use of the City logo in marketing materials.

City Council consensus was achieved to agendize a discussion of sponsorship.

Robin Turner discussed the importance of in-person City Council meetings; those without computers who are unable to participate; projects being pushed through that residents are not aware of; and she expressed concern with the potential for lawsuits against the City.

Cynthia Hart asked the City Council to agendize a discussion of Direct Housing; she noted the failure of other efforts to address the houselessness issue in a humane and effective manner; and she cited successful models in other places.

Discussion ensued between Council Members regarding agreement to agendize a discussion of Direct Housing; a recent letter received from Mike Bonin's Office; and acknowledgement of the

current workload of the Housing Department.

Jeanne Black was pleased that the City Council would be agendaizing ways to address homelessness; discussed worsening factors that contribute to homelessness; the shortage of true affordable housing; work done by the Committee on Homelessness; the well-thought out and feasible proposal for a Direct Housing program for those most ready to participate; and concern that attention being placed on zoning changes and high-end development would overshadow agendaizing a discussion of moving forward on a Direct Housing program and commitment of resources to end homelessness.

Mayor Fisch clarified that staff resources were focused on Project RoomKey and efforts to acquire permanent supportive housing and funding opportunities.

Bryan Sanders expressed support for Mark Lipman and moving ahead with the Direct Housing idea; discussed recent meetings on single-family zoning; the analysis by consultant Veronica Tam indicating the ability to keep R1 zoning and still meet Regional Housing Needs Assessment (RHNA) requirements; and he cited discussion at the Planning Commission meeting indicating that changes to R1 zoning would not result in affordable housing.

Travis Walters, Winn Slavin Fine Art, spoke on behalf of Dr. Rastegar regarding placing a donation on a formal agenda; he provided background on Dr. Rastegar; and he discussed the sculpture: *Celestial Sphere of Unity*.

Mayor Fisch received City Council consensus to send the item to the Cultural Affairs Commission Public Art Subcommittee for consideration.

Jeremy Green, City Clerk, indicated that she would facilitate contact between Mr. Walters and Cultural Affairs staff members.

Daniel Burnett expressed support for placing consideration of a Direct Housing program on a future City Council agenda; discussed the anti-camping ordinance; displacement; evictions; large rental corporations; and filling vacant units in the City.

Jeremy Green, City Clerk, clarified that Direct Housing had been agendaized for future discussion.

Yvonne Bonilla, Labor Representative for the California Nurses Association, discussed the treatment of nurses by Southern

California Hospital (SCH), failure to minimize COVID exposure for patients and staff; excluding nurses from Hazard Pay approved by the City Council; and she asked the City to support nurses by holding the employer accountable to the local ordinance, safety guidelines and the Nurses Union contract.

Vice Mayor Lee received clarification regarding other worker classifications that were being excluded from the ordinance.

Steve Siegel was called to speak but did not respond.

Suzanne Debeneditis asked that Direct Housing be considered as soon as possible; expressed concern with people dying on the streets; discussed the need to prevent gentrification; conducting a cost benefit analysis before finalizing the General Plan; climate change; who benefits; public greenspace; loss of old growth trees; construction traffic; unitedneighbors.net; creative solutions to save the environment, promote diversity and achieve affordable housing; and she asked the City Council to slow down, take more public comment and use more than algorithms to guide the conversation.

Rashelle Zelaznik asked to cede her time to Mark Lipman.

Valerie Selden was called to speak but did not respond.

Eileen Chen discussed the upcoming Asian World Film Festival; thanked the City for past support; requested sponsorship to hold an Asian Art and Music Festival from November 2-12; and she reported submitting a preliminary layout and overview of the festival to City staff.

Discussion ensued between staff and Council Members regarding consensus to bring the matter back for further consideration; agreement that the Sponsorship Subcommittee prepare the recommendations for the City Council; and staff indicated that they would be in touch with Ms. Chen regarding next steps.

Mark Lipman thanked the City Council for agendizing a discussion of a Direct Housing program; indicated eagerness to work with staff to help prepare a presentation; he thanked members of the public who came to speak out in support of the item; discussed the work of Mark Ridley Thomas and Mike Bonin on a parallel program in the city of Los Angeles; work to end homeless in the community and regionally; and he reported that on August 12 he would be moderating a panel on Understanding Housing First to help educate the community on proper implementation.

Emily Dibiny discussed her interest in Direct Housing and Housing First; she expressed concern with bureaucracy; wanted to hear from anyone offering a solution to homeless issues; and she asked that all Council Members be involved with programs.

Kelli Estes asked the City Council to agendaize consideration of delaying fees for rental registration and consideration of allowing landlords with tenants in place within a year of SB7 being signed into law to revise the leases to remove water as an included utility.

Discussion ensued between staff and Council Members regarding having the Housing Subcommittee examine the issue of rental registration fees before the matter comes before the City Council.

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Order of the Agenda

The following changes were made: Item R-2 was heard before Item R-1; Mayor Fisch corrected the Closed Session Report after Items from Staff; Public Comment for Items NOT on the Agenda was heard after Receipt of Correspondence; Consent Calendar Items C-4 and C-7 were considered at the end of the Consent Calendar; Item A-8 was heard after Item PH-4; Item A-6 was heard after Item A-8; Item A-7 was heard after Item A-6; and Items A-2, A-3, A-4 and A-5 were deferred to a future meeting.

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Consent Calendar

Mayor Fisch discussed existing work being done on researching housing opportunities in the Sepulveda corridor in Item C-4.

Jeremy Green, City Clerk, reported speaker cards received for Items C-4 and C-7.

MOVED BY COUNCIL MEMBER VERA, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-3, AND C-5 AND C-6.

Item C-1

CC:HA:SA - (1) Approval of Cash Disbursements for July 3, 2021 to July 30, 2021

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR JULY 3, 2021 TO JULY 30, 2021.

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Item C-2

CC:HA:SA - Approval of Minutes for the Regular City Council Meetings on June 28, 2021 and July 12, 2021

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETINGS ON JUNE 28, 2021 AND JULY 12, 2021.

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Item C-3

CC - (1) Approval of a Professional Services Agreement with Michael Baker International in an Amount Not to Exceed \$10,030 to Prepare a Hazard Mitigation Grant Program Application to Submit to the Federal Emergency Management Agency for the City's 5-Year Update to its Multi-Jurisdictional Hazard Mitigation Plan; (2) Authorize Submission of the Grant Application to FEMA; and (3) FOUR-FIFTHS VOTE REQUIREMENT: Approval of a Related Budget Amendment

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL IN AN AMOUNT NOT TO EXCEED \$10,030 TO WRITE A HAZARD MITIGATION GRANT PROGRAM APPLICATION TO SEEK FEDERAL EMERGENCY MANAGEMENT AGENCY FUNDS TO PREPARE A 5-YEAR UPDATE TO THE CITY/CCUSD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN; AND,

2. APPROVE THE RELATED BUDGET AMENDMENT (FOUR-FIFTHS VOTE REQUIREMENT); AND,

3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO SIGN AND SUBMIT THE FEMA GRANT APPLICATION ON BEHALF OF THE CITY.

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Item C-5
(Out of Sequence)

CC - (1) Acceptance of Sustainable Transportation Planning Grant Funds of \$500,000 Awarded by the California Department of Transportation (Caltrans) for Development of the Culver City Complete Streets Design Guidelines; (2) FOUR-FIFTHS VOTE REQUIREMENT: Approval of a Budget Amendment Appropriating a Local Cash Match of \$64,780 of Measure M Funds in FY 21-22; and (3) Adoption of a Resolution Authorizing the City Manager or Designee to Execute on Behalf of Culver City all Restricted Grant Agreements and Any and All Grant Related Documents

THAT THE CITY COUNCIL:

1. ACCEPT THE SUSTAINABLE TRANSPORTATION PLANNING GRANT FUNDS OF \$500,000 AWARDED BY CALTRANS FOR DEVELOPMENT OF THE CULVER CITY COMPLETE STREETS DESIGN GUIDELINES; AND,
2. APPROVE A BUDGET AMENDMENT APPROPRIATING A LOCAL CASH MATCH OF \$64,780 OF MEASURE M FUNDS IN FY 21-22 (REQUIRES A FOUR-FIFTHS VOTE); AND,
3. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ON BEHALF OF CULVER CITY ALL RESTRICTED GRANT AGREEMENTS AND ANY AND ALL GRANT-RELATED DOCUMENTS.

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Item C-6

CC - (1) Approval of a Three-Year Professional Services Agreement with Vasquez & Company LLP for Financial Audit Services; and (2) Authorization for the Chief Financial Officer to Exercise Two One-Year Options to Extend the Agreement

THAT THE CITY COUNCIL:

1. APPROVE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH VASQUEZ & COMPANY LLP FOR FINANCIAL AUDIT SERVICES; AND,

2. AUTHORIZE THE CHIEF FINANCIAL OFFICER TO EXERCISE TWO ONE-YEAR OPTIONS FOR RENEWAL; 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-4
(Out of Sequence)

CC - Report on Grants Received for the General Plan Update

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Robin Turner noted that the Guiding Principles in the Housing Element are not clear and give the illusion that R1 up zoning is being put forward; she expressed concern with leaving the wording too loose; noted that historically whenever low and moderate income housing exists, the City Council eliminates it; discussed the removal of the mobile home housing; the ten-year plan; and she asked the City Council to clean up the wording.

Suzanne Debenedittis suggested that staff provide a summary report to focus the guidance and suggestions and she expressed concern that the document not just be used to get funding, but actually happens.

Ashley Hefner Hoang, Advance Planning Manager, provided an overview on grants related to the General Plan Update project.

Mayor Fisch commended Ms. Hoang for securing the grants.

THAT THE CITY COUNCIL: RECEIVE A REPORT ON GRANTS RECEIVED FOR THE GENERAL PLAN UPDATE.

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CC - Adoption of a Resolution Confirming the July 15, 2021 Thirty-Seventh Supplement to Public Order (1) Extension of Temporary Use Permits Issued During the COVID-19 Pandemic to Expand Outdoor Dining on City Sidewalks to December 31, 2021; and (2) Extension of Waiver of Outdoor Dining License Fees and Valet Parking License Fees to December 31, 2021, Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Due to the Coronavirus Respiratory Disease (COVID-19) Pandemic

Lisa Vidra, Senior Deputy City Attorney, provided a summary of the material of record.

Mayor Fisch invited public comment.

The following members of the audience addressed the City Council:

Bubba Fish yielded his time.

Arlen Valdivia, Motion Picture Association, asked that Option 1 be adopted without any changes; expressed concern with a permanent closure of the westbound lane on Culver Boulevard; discussed investment made by the studios; Return to Work Plans; impacts to location filming; changes required with the Move Culver City project; and she expressed appreciation for the partnership with the City.

Mayor Fisch indicated that those comments should be kept in mind when that Action Item arises.

MOVED BY COUNCIL MEMBER MCMORRIN, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION CONFIRMING THE JULY 15, 2021 THIRTY-SEVENTH SUPPLEMENT TO PUBLIC ORDER (1) EXTENSION OF TEMPORARY USE PERMITS ISSUED DURING THE COVID-19 PANDEMIC TO EXPAND OUTDOOR DINING ON CITY SIDEWALKS TO DECEMBER 31, 2021; AND (2) EXTENSION OF WAIVER OF OUTDOOR DINING LICENSE FEES AND VALET PARKING LICENSE FEES TO DECEMBER 31, 2021, ISSUED BY THE CITY MANAGER, AS DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, DUE TO THE CORONAVIRUS RESPIRATORY DISEASE (COVID-19) PANDEMIC.

Jeremy Green, City Clerk, received clarification that all Council Members agreed to receive and file Item C-4.

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Public Hearings

Item PH-1

CC - PUBLIC HEARING Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Sewer User's Service Charge for Fiscal Year 2021/22

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF PUBLIC HEARING NOTICES AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING.

Charles Herbertson, Planning Director, provided a summary of the material of record.

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

Mayor Fisch invited public comment.

Jeremy Green, City Clerk, indicated that no public comment had been received.

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

Mayor Fisch thanked staff for their work to keep costs contained.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY OF THE SEWER USER'S SERVICE CHARGE FOR FISCAL YEAR 2021/22.

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CC - PUBLIC HEARING Reintroduction of an Ordinance Amending Development Standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units (ADUs), and Micro-Units and Amending the City Zoning Map with the Previously Adopted Residential Hillside (-RH) Overlay

MOVED BY COUNCIL MEMBER VERA, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF PUBLIC HEARING NOTICES.

Michael Allen, Current Planning Manager, introduced the item noting that it did not relate to the R1 discussion.

Mayor Fisch congratulated Mr. Allen on his new position and expressed gratitude for his work.

William Kavadas, Assistant Planner, provided a summary of the material of record; reiterated that the item was not related to R1 zoning discussions; and he discussed new information from the Department of Housing and Community Development (HCD).

Deborah Hong, Planning Assistant, discussed Junior Accessory Dwelling Units (JADUs); state government code discussions; and major changes since the first introduction.

Michael Allen, Current Planning Manager, noted that additional guidance from HCD related to JADUs had been received and, because the information was substantive enough, the item could not be brought back as a second reading but instead needed to be reintroduced to the City Council as a first reading or reintroduction.

Discussion ensued between staff and Council Members regarding the state ordinance; the ability of the City to exercise local control; and potential use of different terminology with a different mechanism related to ADUs.

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

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Eric Rudin was called to speak but did not respond.

John Buuck was called to speak but did not respond.

Daniel Mayeda was called to speak but could not be heard.

Joan Davidson discussed important changes in the document; the change not to include ADUs in Floor Area Ratio (FAR); determination of the FAR by the Community Development Director; the need to establish the maximum height; minimum lot size; parking; clarification regarding how many units are allowed; maximum number of inhabitants; and setbacks.

Suzanne Debenedittis discussed the environment; replacement of the tree canopy; the importance of charging fees or taxes related to square feet built; and she asked that the City become a model for the nation.

Daniel Mayeda thanked the City for reaffirming that ADUs should not be built in Culver Crest; noted further discussion with HCD; a complaint made about prohibitions in Culver Crest; and he expressed concern that the state could be trying to interfere with a local issue without understanding the conditions of the Culver Crest.

Kat Makinney was called to speak but did not respond.

Ronald Ostrin discussed the amount of time allowed to review the materials; support for ADUs over the elimination of R1 zoning; concern with turning the City into an urban heat trap; trickle-down economics for the benefit of billionaires; he expressed support for taking the time to get a good ADU and JADU ordinance; questioned what the rush was; and he asked that the City work together to figure out how to better house everyone in Culver City.

Michael Allen, Current Planning Manager, discussed ADU and JADU FAR; height maximums; setbacks; language to be removed and added to the existing text; language consistent with state law; the original text amendment; underlying height limitations in the zone; number of occupants in a home as regulated by the Health and Safety Code, not by zoning; the two foot setback; non-residential abutment; fees and taxes; the Park In Lieu Fee; and a residential inquiry made to HCD regarding Culver Crest.

Sol Blumenfeld, Community Development Director, discussed tree replacement requirements; clarification that there is no

requirement that ADUs are available for low to moderate income users; and the Affordable ADU program.

Discussion ensued between staff and Council Members regarding the City of Pasadena; tree removal on private property; the need to amend the municipal code to require a one to one replacement; the Hillside Grading Ordinance; the importance of maintaining the City's greenscape; moving forward in an environmentally responsible manner; and the need to agendaize consideration of changing the ordinance.

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

Additional discussion ensued between staff and Council Members regarding state law that parking not be required within a half mile of a bus stop; clarification that the entire City is a half mile from a bus stop; equitable distribution of trees within the urban forest; different programs for private residents who want to add a tree; maintaining the amount of trees and shade; permeable surfaces; previous approval of the item; additional restrictions; having an independent City program; community interest in expanding the urban forest; incentive programs; the enhanced water management plan; low impact development; and expanding the budget for street trees to improve quality of life.

MOVED BY COUNCIL MEMBER MCMORRIN, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: INTRODUCE THE ORDINANCE, ZONING CODE AMENDMENT P2021-0050-ZCA MODIFYING DEVELOPMENT STANDARDS FOR THE SINGLE-FAMILY (R1) RESIDENTIAL ZONE, ACCESSORY DWELLING UNITS, MICRO-UNITS AND OTHER RELATED SECTIONS OF THE ZONING CODE AND ZONING CODE MAP AMENDMENT P2021-0050-ZCMA TO REFLECT THE RESIDENTIAL HILLSIDE (-RH) OVERLAY ZONE.

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Item PH-3

CC - PUBLIC HEARING Adoption of a Resolution Confirming the Levy and Collection of Municipal Refuse, Recycling and Organics Handling Fees, effective July 1, 2021 through June 30, 2026

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER VERA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE

AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE RECEIVED IN RESPONSE TO THE PUBLIC HEARING NOTICES.

Kim Braun, Environmental Programs and Operations Manager, provided a summary of the material of record.

Council Member Eriksson received clarification that several protests had been received and were included in correspondence received.

MOVED BY COUNCIL MEMBER MCMORRIN, SECONDED BY COUNCIL MEMBER VERA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Kelli Estes discussed cities with local rent control ordinances; case law regarding reasonable rate of return for landlords; CPI; inflation; including increases in calculations; and increased costs.

Ronald Ostrin discussed increased taxes in the City; money spent on lawsuits; ordinances that increase liability; the rent control ordinance and moratorium; requiring landlords to live within a 2% rent raise; and imposing a similar restriction on the City Council.

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

Discussion ensued between staff and Council Members regarding reluctance to make the changes; necessary costs to keep services going; changes to the system; ensuring a fiscally sustainable program in the long-term; and the fact that rates are competitive with other cities.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: (ABSENT A MAJORITY PROTEST) ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY AND COLLECTION OF MUNICIPAL REFUSE, RECYCLING AND ORGANICS WASTE HANDLING FEES, EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2026.

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Item PH-4

CC - CONTINUATION OF PUBLIC HEARING TO AUGUST 23, 2021: CC - (1) Introduction of an Ordinance Amending Chapter 15.02 of the Culver City Municipal Code by adding Subchapter 15.02.500 Mandatory Seismic Strengthening Provisions for Existing Wood-Frame Buildings with Soft, Weak or Open-Front Walls (Soft Story Seismic Retrofit); (2) Discussion of Fees, Costs to Owners, and Tenant Pass-Throughs; and (3) Direction to the City Manager as Deemed Appropriate

MOVED BY COUNCIL MEMBER VERA, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF PUBLIC NOTICES AND CORRESPONDENCE RECEIVED IN RESPONSE TO PUBLIC HEARING NOTICES.

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

Mayor Fisch invited public comment.

The following members of the public were called to speak:

John Buuck was called to speak but did not respond.

Ron Bassilian was called to speak but did not respond.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER VERA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: CONTINUE THE PUBLIC HEARING TO AUGUST 23, 2021 REGARDING THE FOLLOWING MATTER: (1) INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15.02 OF THE CULVER CITY MUNICIPAL CODE BY ADDING SUBCHAPTER 15.02.500 MANDATORY SEISMIC STRENGTHENING PROVISIONS FOR EXISTING WOOD-FRAME BUILDINGS WITH SOFT, WEAK OR OPEN-FRONT WALLS (SOFT STORY SEISMIC RETROFIT); (2) DISCUSSION OF RELATED MATTERS INCLUDING FEES, COSTS TO OWNERS, AND TENANT PASS-THROUGHS; AND (3) DIRECTION TO THE CITY MANAGER AS DEEMED APPROPRIATE.

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Action Items

Item A-8
(Out of Sequence)

CC - (1) Approval of the 90% Plans and Specifications for the MOVE Culver City Downtown Corridor Project Westbound Culver Boulevard Design; (2) Authorization to Construct the Downtown Corridor Project Westbound Culver Boulevard per the Approved Plans; and (3) Direction to the City Manager (Including Direction on Outdoor Dining), as Deemed Appropriate

Rolando Cruz, Chief Transportation Officer, introduced the item; discussed the Transit Oriented Development (TOD) Visioning Study; Complete Streets; project implementation; westbound Culver design; construction plans; the proposed plan to move forward with enhancing mobility options while maintaining a vision of outdoor dining in the downtown corridor; delays in material delivery; the go-live date; contracts and agreements; gaging project impact; the pilot bus/bike platform; the Ballona Creek-themed asphalt art program; first and last mile service; and creating a paradigm shift with the first electric mini-bus in the country for the downtown circulator service.

Diana Chang, Transportation Project Manager, discussed the westbound Culver 90% design; the proposed timeline; creation of a communication plan; and addressing City Council and community concerns to maintain the outdoor dining program without compromising the goal of expanding mobility options.

Breanna Mobley, Sam Schwartz Engineering, discussed preserving outdoor space; designing for usability; utilization of existing elements and resources; collaboration with businesses, the neighborhood and MOVE Culver City to create a framework; the importance of outdoor space; and the sidewalk street dining assessment.

Gerdo Aquino, SWA Group, discussed the proposed layout; the look and feel of the project; different sections of Culver Boulevard; identity elements; existing planting areas; temporary and informal seating areas; storefront seating; sidewalk width; the mixing zone; maintaining a buffer between cyclists and diners; landscaping; maintenance of trees; replacement of planting areas with permeable paving; and creating a promenade experience and outdoor opportunities.

Diana Chang, Transportation Project Manager, discussed the viable path to maintain outdoor dining while supporting the TOD Visioning and Complete Streets policy; the construction schedule; and the need for City Council approval to move forward.

Discussion ensued between the consultants, staff and Council Members regarding costs to replace the planters with pavers; the long-term downtown vision; the importance of maintaining traffic flow on Main Street connecting to Venice; unused sidewalk space; conversion of smaller planters; maintenance of the canopy; square footage added; clarification that changes would not be part of MOVE Culver City; offering different opportunities for restaurants to expand outdoor dining; and working with the DBA and restaurants in the area to utilize space more efficiently.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Bubba Fish thanked staff for their presentation; discussed signatories on the open letter from Bike Culver City urging the City to leave the current configuration as is to preserve 100% of the street dining space and keep the north side of Culver Boulevard car-free; benefits to the climate, public space and safety; the need for a total transformation of society; other cities that are enacting changes; and the amount of public space being lost with Option 1.

David Coles expressed support for the current set up with some improvements including public use of unused space north of the K-Rail barriers; he discussed the change.org petition; concern with undoing placemaking urbanism in the name of Complete Streets; support for car-free streets in strategic locations; the climate crisis; and he felt that giving back public space to cars was the wrong move.

Dylan Gottlieb read a letter from Anette Morales of Café Vida in support of keeping outdoor dining as is, and, speaking on behalf of himself, he asked that either Option 2 or a variation that includes a bus and shuttle lane with a separate protected bike lane be supported.

Art Nomura discussed historical support of big business by the City; discrimination; ignoring affordable housing needs for decades to support the construction of commercial centers and

office buildings; pre-COVID traffic jams; cut-through traffic; fear mongers; unsupported statements; the success of outdoor dining; The Steps as a regional magnet; available parking spaces in the downtown area; creation of the innovative circulator service; increased biking and walking in the area; and he asked the City to support Option 2.

Kyle Nelson was called to speak but did not respond.

Horace Williams was called to speak but did not respond.

Stephen Jones discussed the difficulty of satisfying competing demands; eliminating the current vibrancy with the proposed design; support for the bus lane; benefits of reduced traffic to safety, mobility and the environment; integration into the MOVE Culver City project; compatibility; evaluating mobility options; and the importance of basing decisions on reducing car traffic.

Luigi Cervantes expressed support for Option 2; noted that downtown Culver City was thriving with car-free areas; discussed the benefits of car-free streets; incentives to take the Expo Line; accessibility of parking garages; employee access; encouraging foot traffic; and the desire of Hackman Capital to restore car traffic.

Kevin Kearns, The Auld Fella Restaurant, discussed support of Option 3 by businesses in the area as what is best for the City in the long-term; the proposed configuration; creation of the petition; he asserted that the pandemic was not over and he expressed opposition to Option 1 noting that business is down; discussed the need to maintain outdoor dining; uncertainty with the length of the pandemic; and he indicated that he was in support of Option 3.

Mark Marek was called to speak but did not respond.

Karim Sahli discussed the climate crisis; he expressed support for Option 2 and for the proposal in other areas of the town; discussed the proposed seating map; social distancing; and he opposed bringing back cars in the middle of the pandemic.

Rick Moses was called to speak but did not respond.

Chris Blanchard, Chicas Tacos, urged the City Council to reject the proposed plan; asked that outdoor dining be kept through the end of the year; discussed lost business due to the mask

mandate; support for Option 3 and maintaining outdoor dining; previous confusion on what the City Council was voting on; the goal to keep outdoor street dining; the current surge; and he asked the City Council to realize that COVID is not going away anytime soon.

Disa Lindgren read a statement from Jennifer Caspar, owner of Village Well Books and Coffee in support of Option 2 and questioning whether there had been a transportation study to support claims that automotive traffic is necessary on Culver Boulevard.

Mary Daval expressed concern with removing COVID safe dining in Culver City; discussed the pandemic; the dynamic nature of the situation; concern with committing to moving forward with insufficient data; and she expressed support for Option 2.

Tamar Christensen asked that the City Council support Option 2; discussed the report of the IPCC; dangerous efforts to bring the situation back to normal; the importance of reducing emissions and encouraging cycling and pedestrian traffic; combating the heat island effect; and accommodating people of all abilities.

Jamie Wallace discussed clarity of the petition; questioned whether there had been studies on the number of bikers going through the downtown area and on the frequency of buses; asked about a traffic study based on pre-pandemic traffic; noted the large influx of jobs; discussed impacts of a return to school; whether opening up 3-4 blocks of Culver Boulevard would have a huge climate impact; restoring traffic for the businesses; she asked whether curb parking would be available; and she expressed support for the alternatives provided to strike a balance between keeping sidewalk dining and allowing traffic.

Michelle Weiner discussed points of agreement; support for outdoor dining; the goal of MOVE Culver City to get people out of their cars; moving people with alternative methods of transportation; narrowness of the sidewalks; and she expressed support for a separated bike and bus lane, and not reintroducing car traffic.

Carolyn Allport discussed points of agreement; Culver Steps as a gathering place; she asserted that no one wanted to go back to wading across gridlock; and she expressed support for Option 2.

Meghan Sahli-Wells expressed gratitude for the discussion and the presentation; she asserted that the car lane had to go; she expressed support for Option 2; discussed the climate emergency; reducing greenhouse emissions from fossil fuels; new commuters; the importance of ensuring that people do not get in the habit of driving to work; the dedicated bus/bike lane and the proposed circulator; the importance of creating a culture that does not emphasize cars; and she noted that Culver Steps used to be a street.

Elena Battas was called to speak but did not respond.

Linda T was called to speak but did not respond.

Kristin Cavanaugh, Sony Pictures, asked the City to support Option 1; discussed comments made by Mr. Kearns; challenges faced by downtown businesses; support for MOVE Culver City and the options presented; money spent directly in the City by Sony; returning employees; the robust commuter services program; the infeasibility of taking public transit to work for some people; pandemic concerns; potential gridlock if access is not restored; impacts to the health and welfare of employees; employee retention; and she asked the City to re-open the lane of travel.

Martin Tomaz read a statement from Morgan Roth from Bird Scooters in support of permanent improvements to the north side of Culver Boulevard and discussing the link between expanded use of micro-mobility and increased foot traffic to restaurants; concern with sending the City backwards environmentally and economically; prioritizing the future of the City; support for Option 2 as providing a clear vision for the future; and speaking on behalf of himself, he asked that cars not be brought back as he felt that the area could become greener and more equitable by adding more public space.

Travis Morgan expressed support for MOVE Culver City noting that contracts have been approved to move forward; he asserted that the agendaized vote was a vote for adding a car lane; he noted that surrounding cities had expanded outdoor dining until 2022 due to the Delta variant; he discussed the importance of planning for long-term solutions; concern with pulling out planters to be replaced with concrete; and concern with numbers as presented noting space lost by restaurants.

Freddy Puza asked the City Council to move forward with car-free Option 2 with 100% of the street dining retained; discussed successful changes forced by the pandemic; providing mobility

options; support for people and community over automobiles; helping the environment and reducing congestion; and he asked the City Council to vote for an option that creates a vibrant community and better quality of life.

Sebastien Cornic discussed loss of seating with the proposed changes; noted that people did not feel safe eating inside in the current situation; discussed mandated vaccination cards for indoor dining in France; backlash; pressure put on restaurant owners and staff; and he asked the City Council to keep outdoor dining as is for the foreseeable future.

Rick Moses provided background on himself and his businesses; discussed positive feedback regarding maintaining outdoor dining; dedication of public space to people; allowing people to gather safely; and he asserted that it was essential to maintain outdoor dining.

Ken Mand discussed positive feedback received in support of retaining outdoor dining; asserted that now was not the time to make changes; and he asked that the time for businesses allowed to operate in the public right of way be extended.

Nancy Barba read written comments provided to Bike Culver City by Derrick of Janga by Derrick in support of maintaining the outdoor dining program; expressing concern with adding traffic; other restaurants that have had to shut down; and charging an outdoor dining fee if necessary.

Discussion ensued between staff and Council Members regarding the importance of listening to the community; the need for compromise; ensuring that the City thrives; the need for sidewalk enhancement if Option 1 is chosen; support for various options; benefits to reimagining public space in a different way; climate issues; the feeling that now is not the time to go back; directing people to better habits; making an adjustment; parking availability; demand; acknowledgement that the situation is dynamic; support for maintaining the status quo for six months; support for collecting data to measure the number of people biking and walking in the City; not ceding public space back to cars; support for providing a buffer; options discussed and the determination made at the May 24 City Council meeting; instruction to staff provided at that time; efforts to preserve outside dining and fulfilling the City Council request for the Complete Streets option; the importance of having a westbound lane of traffic; the dynamic nature of the pandemic; meeting short-term needs; environmental issues;

electric cars; valid concerns of parents trying to get their kids to school; concerns from restaurants regarding preserving outdoor dining; the environment created by the trees; long-term solutions; clarification on the question before the City Council; reconsideration of the decision based on what occurs during the summer; behavior patterning; creating the environment to encourage the desired behavior; reduced transportation ridership before the Expo Line opened; the importance of connectivity; infrastructure to support the bicycle culture in the City; the outdoor dining culture; accommodating public space; the continuing pandemic; prioritizing residents over people who drive in from Palmdale; the difficulty of undoing decisions that pre-date the current situation; the projected elimination of Vehicle Miles Travelled (VMT); showcasing buses as the fastest way of travelling; creating great capacity with a lighter ecological footprint for a broader range of people; the need for projects that work; providing more space on the north side of the street for the public; limitations with existing curbs; expense of the long-term project; opportunity sites; options for affordable housing; commuters; use of satellite parking solutions; the circulator; timing; staff time; funding; utilization of public space; concern with ceding public space back to cars; and making use of money to fix up the sidewalks.

Council Member Eriksson moved to accept the staff recommendation.

Additional discussion ensued between staff and Council Members regarding City Manager discretion if the pandemic worsens; extending dining on the street and sidewalk longer; lining up with Los Angeles and other cities to extend until the end of the year; decreased patronage; and sidewalk enhancement.

MOVED BY COUNCIL MEMBER ERIKSSON AND SECONDED BY MAYOR FISCH THAT THE CITY COUNCIL:

1. APPROVE THE 90% PLANS AND SPECIFICATIONS FOR THE MOVE CULVER CITY PROJECT WESTBOUND CULVER BOULEVARD DESIGN; AND,
2. AUTHORIZE CONSTRUCTION OF THE DOWNTOWN CORRIDOR PROJECT WESTBOUND CULVER BOULEVARD PER THE APPROVED PLANS.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: ERIKSSON, FISCH, VERA
NOES: LEE, MCMORRIN

Mayor Fisch noted the late hour and received clarification from the City Clerk on the number of speakers waiting to be heard.

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Item A-6
(Out of Sequence)

CC - (1) Approval of the Grant-Funded Temporary Implementation of the Intersection Redesign of Overland Avenue/Ranch Road/Kelmore Avenue by Using Signage, Pavement Markings and Delineators; (2) Approval of the Installation of Two Additional Streetlights at the Intersection, a New Curb Ramp at the Junction of Kelmore Avenue and Ranch Road, and Replacement of the Existing Aged Flashing Beacon; (3) Authorization of the Publication of a Noticing Inviting Bids for the Construction of the Project; and (4) Adoption of a Resolution Making the Determination that this Project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, and that this Temporary Project is Being Implemented Entirely on Public Right-of-Way

Heba El-Guindy, Mobility and Traffic Engineering Manager, provided a summary of the material of record.

The following members of the public addressed the City Council:

Raelie Loredo was called to speak but did not respond.

Stephanie Loredo was called to speak but did not respond.

Anthony Loredo was called to speak but did not respond.

Kaelyn Loredo was called to speak but did not respond.

Khin Khin Gyi asked for clarification on the height of the proposed traffic island between Kelmore and Ranch; discussed visibility; the need for a traffic signal; and lack of Americans with Disabilities Act (ADA) compliance.

Jane Brown was called to speak but did not respond.

Disa Lindgren discussed the proposed improvements; the high traffic area; student safety; public safety; and getting people out of their cars to meaningfully address climate change.

Michelle Weiner discussed the process; expressed support for the proposed modifications; noted that the item had not been brought before the Bicycle and Pedestrian Advisory Committee (BPAC) and she acknowledged requirements for traffic lights.

Alicia Walker was called to speak but did not respond.

Mara Bushansky discussed older residents; community meetings; meeting format; those who are not technologically savvy; issues raised by residents that were not addressed; the two simultaneous right turn lanes; the process to enact changes at La Ballona; the temporary quick-build; and taking resident concerns into account.

Jenifer Metz was called to speak but did not respond.

Karim Sahli expressed support for the project.

Robin Turner was called to speak but did not respond.

Freddy Puza was called to speak but did not respond.

Discussion ensued between staff and Council Members regarding acknowledgement that change is difficult; support for the proposed trial program; clarification that there is only one right turn lane from Overland onto Ranch; traffic flow; pedestrian traffic; pavement markings; height of the pedestrian island; the delineators; neighborhood concerns; the temporary nature of the project; different solutions proposed for the intersection over the years; school safety; appreciation for efforts made to make the intersection safer; other intersections in the area to be considered; and assurance to residents that the project is temporary and impacts would be considered.

Council Member Eriksson noted the hour and asked that timing of the other items be considered.

MOVED BY MAYOR FISCH, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE THE GRANT-FUNDED TEMPORARY IMPLEMENTATION OF THE INTERSECTION REDESIGN OF OVERLAND AVENUE/RANCH ROAD/KELMORE AVENUE BY USING SIGNAGE, PAVEMENT MARKINGS AND DELINEATORS; AND,
2. APPROVE THE ADDITION OF TWO NEW STREETLIGHTS AT THE INTERSECTION, A NEW CURB RAMP AT THE JUNCTION OF KELMORE AVENUE

AND RANCH ROAD, AND REPLACEMENT OF THE EXISTING AGED FLASHING BEACON: AND,

3. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR THE CONSTRUCTION OF THE PROJECT; AND,

4. ADOPT A RESOLUTION MAKING THE DETERMINATION THAT THIS PROJECT IS CATEGORICALLY EXEMPT PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301, CLASS 1, AND THAT THE TEMPORARY PROJECT IS BEING IMPLEMENTED ENTIRELY ON PUBLIC RIGHT-OF-WAY.

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Item A-7
(Out of Sequence)

CC - (1) Receipt, Filing and Discussion of Report Regarding Brown Act Demands Filed by Ronald Ostrin, on Behalf of Culver Citizens for Culver City, and Sheppard Mullin, on behalf of Southern California Hospital at Culver City, Pertaining to the Hazard Pay (also known as Hero Pay) Ordinance; and (2) Direction to the City Attorney as Deemed Appropriate

Carol Schwab, City Attorney, provided a summary of the material of record.

Discussion ensued between staff and Council Members regarding the ability to consider the item in Closed Session; the choice to put the item on an open agenda; text messaging; Best Practices; and new technology not considered in the Brown Act.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Ronald Ostrin, with one minute ceded by Jeanne Tamaki, discussed the seriousness of the lawsuit; attorney fees; the City Council letter regarding the Brown Act; the statement from the City Council; the feeling that once the payment has been made by Southern California Hospital there is no reason not to continue the lawsuit; union endorsements; the best interests of the City; settlements; other frontline heroes; and he asked the City to agendize a discussion of repealing the ordinance.

Chris Jones was called to speak but did not respond.

David Schwartz, Sheppard Mullin, discussed serial communications from Service Employees International Union (SEIU) with the majority of the City Council; information focused on how to turn the Mayor in SEIU's favor; communication with the union representative; claims by Council Members that they had not seen texts; promises of support; risks with putting promises in writing; lack of efforts to disavow involvement with serial communications; and recusal of participants in preliminary discussions.

Michael Klepin discussed legal implications of the matter; businesses based in Culver City; public policy; allowing voices to be heard and interests to be served; concern with the best interests of the public; the exclusion of other eligible participants; the decision making process; and fairness.

Ron Bassilian was called to speak but did not respond.

Jaime Garcia thanked the City Council for the public discussion of the item; discussed the Collective Bargaining Process; the Brown Act; erosion of public trust; off the record conversations; development of precise language for the premium pay ordinance; the need to void the ordinance; legal costs; and the importance of sending a clear message that opaque negotiations by Council Members have no place in Culver City.

Jamie Wallace expressed concern with the appearance of conflicts of interests; conversations with one party out of many; and she noted that it was an uncomfortable situation.

Natalie Kregor voiced concerns about the lack of Collective Bargaining that took place in the matter; secret communication creating mistrust in the government; and she felt that the ordinance should be voided.

Michelle Weiner expressed support for the Hero Pay Ordinance; discussed the paid lawyers pointing fingers at the City Council; the courageous move by the City; and public trust.

Mary Daval indicated that she had wanted to speak on the previous item.

Kelli Estes discussed the embarrassing moment for the City; she did not feel that the action taken was courageous; discussed the accidental text sent by Vice Mayor Lee to encourage a candidate to run against Mayor Fisch; she felt the matter should be sent to a third party for independent investigation;

expressed concern with impartiality of the City Attorney; and she asked the City Council to put the City first.

Discussion ensued between staff and Council Members regarding Rule 3.3 in the State Bar Rules for Ethics; lobbyists vs. lawyers; statements made taking liberty with the truth by lobbyists from Arendt Fox; the item under consideration; the decision already made; Brown Act allegations; the independent investigation by Brown Act experts; the need to be mindful of serial meetings; creating uncomfortable change; secret meetings; the importance of speaking with people affected by decisions being made; receipt of text messages; responding to messages in the middle of a meeting; perceived improprieties; Best Practices; transparency; public perception; taking a disingenuous approach; concerns with a self-review; clarification regarding the action before the City Council; appreciation for the thoroughness of those conducting the report; clarification that Council Members do not have control over who messages them; focusing on those that have difficulty being heard; text messages received during City Council meetings; engagement; concern with perception more than actual violations; the difficult situation; the conservative position of the City Attorney to protect the City; Freedom of Information Act requests; repeated requests to the SEIU organizer to only contact two Council Members in order to avoid Brown Act violations; donations; endorsements; and meetings with elected officials.

MOVED BY VICE MAYOR LEE AND SECONDED BY COUNCIL MEMBER MCMORRIN THAT THE CITY COUNCIL:

1. RECEIVE AND FILE THE BB&K REPORT REGARDING BROWN ACT DEMANDS FILED BY RONALD OSTRIN AND SHEPPARD MULLIN PERTAINING TO THE HAZARD PAY ORDINANCE; AND,
2. DIRECT THE CITY ATTORNEY TO SEND A LETTER TO RONALD OSTRIN, PURSUANT TO GOVERNMENT CODE §54960.1(C)(2), COMMUNICATING THE CITY COUNCIL'S DETERMINATION THAT NO BROWN ACT VIOLATION OCCURRED, AND EVEN IF A BROWN ACT VIOLATION HAD OCCURRED, SUBSEQUENT ACTIONS BY THE CITY COUNCIL HAVE ALREADY CURED AND CORRECTED ANY SUCH VIOLATION; AND,
3. DIRECT THE CITY ATTORNEY TO SEND A LETTER TO SHEPPARD MULLIN, PURSUANT TO GOVERNMENT CODE §54960.1(C)(2), COMMUNICATING THE CITY COUNCIL'S DETERMINATION THAT THE DEMAND WAS FILED UNTIMELY, AND FURTHER, THAT NO BROWN ACT VIOLATION OCCURRED, AND EVEN IF A BROWN ACT VIOLATION HAD OCCURRED, SUBSEQUENT ACTIONS BY THE

CITY COUNCIL HAVE ALREADY CURED AND CORRECTED ANY SUCH VIOLATION.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, MCMORRIN
NOES: NONE
ABSTAIN: ERIKSSON, VERA

Mayor Fisch indicated that Item A-5 had been deferred and that Items A-2, A-3 and A-4 would also be deferred due to the lateness of the hour.

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Item A-1

CC - Appointment of a Member to the General Plan Advisory Committee (GPAC)

Ashley Hefner Hoang, Advance Planning Manager, provided a summary of the material of record.

Discussion ensued between staff and Council Members regarding the difficulty of finding a representative within the Culver City Unified School District (CCUSD) to serve.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Ken Mand, GPAC Vice Chair, speaking independently, proposed consideration of expanding the schedule and budget for the consultants; he discussed difficulties in genuine two-way communication with the community during COVID; allowing for more targeted community meetings with nuanced discussions regarding land use and mobility alternatives; the need for additional GPAC meetings to allow for an iterative review of the documents moving forward; tapping into resources on the Committee; providing direction to staff and the consultants to develop visual aids to help with communication and buy-in; and additional time for further engagement for elements that are not under a time constraint.

Jamie Wallace expressed disagreement with the previous speaker; she did not see the need for additional meetings; discussed general conversations; ramifications of the up zoning and R1

and what incremental infill meant; survey respondents; workshop attendees; the successful plan to go in a certain direction; and support for new Members for the last couple of meetings.

Discussion ensued between staff and Council Members regarding support for Marla Koosed to fill the seat for David Voncannon who is ill; openness to comments made by Mr. Mand; concern with abrasiveness of Jeff Schwartz on Facebook; and acknowledgement of member frustrations.

MOVED BY MAYOR FISCH, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPOINT MARLA KOOSSED TO THE GENERAL PLAN ADVISORY COMMITTEE (GPAC) TO SERVE UNTIL THE CITY COUNCIL DISCHARGES OR DISBANDS THE GPAC OR UNTIL THE MEMBER RESIGNS OR IS REMOVED; AND
2. APPOINT JEFF SCHWARTZ TO THE GENERAL PLAN ADVISORY COMMITTEE (GPAC) TO SERVE UNTIL THE CITY COUNCIL DISCHARGES OR DISBANDS THE GPAC OR UNTIL THE MEMBER RESIGNS OR IS REMOVED.

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Item A-2

CC - (1) Consideration of Sponsorship Request from Leela Dance Collective in Support of a Pop-Up Dance Performance as Part of their "ReSound: Kathak in the Streets" Event; and, (2) If Desired, Designation of the Event as City-Sponsored and Determination of the Level of Financial Assistance (In-Kind or Otherwise)

This item was deferred to a future meeting.

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Item A-3

CC - (1) Adoption of an Ordinance Amending Culver City Municipal Code Section 9.08.035, Use of Sidewalks for Outdoor Dining, to Add the Use of Parklets and Other Uses in the Public Right-of-Way and Modify the Current Outdoor Dining Agreement Process; (2) Adoption of a Resolution Establishing Fees for the Parklet Program; and (3) Consider Excluding or Waiving One or More Fees

This item was deferred to a future meeting.

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Item A-4

CC - (1) Direction on Proposed Modifications to the UC Prytaneum Collaboration to Test a Community Engagement Model Related to Land-Use Decision-Making; and (2) Approval of a Related Collaborative Research Agreement with the UC Team

This item was deferred to a future meeting.

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Item A-5

CC - Discussion of and Direction Regarding (1) Preparation of Detailed Design Plans and Specifications for Opening of the Jackson Avenue Gate to the Ballona Creek Bike Path and Returning to City Council with the Design in September 2021; and (2) Operation of the Jackson Gate and Allowing Pedestrian and Bicycle Access to the Path 24 Hours, 7 Days a Week Versus Establishing Nights Restriction

This item was deferred to a future meeting.

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Public Comment - Items Not on the Agenda

No further public comment was received.

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Items from Council Members

None.

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Council Member Requests to Agendize Future Items

Council Member Eriksson asked to agendize discussion of in-person meetings noting multiple public requests; he discussed City Manager responsibility for making the determination; and the Los Angeles ordinance prohibiting sidewalk camping noting the potential need to enact a similar ordinance.

August 9, 2021

Discussion ensued between staff and Council Members regarding City Manager guidance; thinking ahead to address a potential influx of tents in Culver City; the gubernatorial recall race; and City Council consensus was achieved to agendaize a discussion of in-person meetings and a special meeting to discuss taking no position on the gubernatorial recall.

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Adjournment

There being no further business, at 1:11 a.m., Tuesday, August 10, 2021, the City Council, Housing Authority Board, and Successor Agency to the Culver City Redevelopment Agency Board adjourned in memory of Justin Thomas Jamar to a meeting to be held on August 23, 2021.

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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

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

Date: _____