

REGULAR MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

March 24, 2014
5:30 p.m.

Call to Order & Roll Call

Mayor Cooper called the meeting of the City Council to order at 5:43 p.m.

Present: Jeffrey Cooper, Mayor
Meghan Sahli-Wells, Vice Mayor
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember
Andrew Weissman, Councilmember

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Closed Session

At 5:43 p.m., the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel - Anticipated Litigation
Re: Significant Exposure to Litigation - 2 Matters
Pursuant to Government Code Section 54956.9(d)(2)

CS-2 Conference with Real Property Negotiators
Re: 8511 Warner Drive
Agency Negotiators: John Nachbar, City Manager/Executive Director; Sol Blumenfeld, Community Development Director/Assistant Executive Director; Todd Tipton, Economic Development Manager; Murray Kane, City Special Counsel/Successor Agency Special Counsel
Other Parties Negotiators: Samitaur Constructs
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

CS-3 Conference with Legal Counsel - Existing Litigation
Re: City of Culver City, et al. v. Michael Cohen, et al.
Case No. 34-2013-80001719
Pursuant to Government Code Section 54956.9(d)(1)

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Reconvene

Mayor Cooper reconvened the City Council meeting at 7:16 p.m. with all Councilmembers present.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Tom Salter.

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Report on Action Taken in Closed Session

Mayor Cooper indicated there was nothing to report from closed session.

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Presentations

Item P-1

Presentation of a Commendation to Miranda Nicole Myers on Earning the Girl Scout Gold Award, the Highest Achievement in Girl Scouting

Vice Mayor Sahli-Wells presented the Commendation.

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Presentation of Certificates of Recognition to the Culver City High School Girls Basketball Team in Honor of their Accomplishments at the California Interscholastic Federation (CIF) Playoffs

Mayor Cooper discussed the accomplishments of the Culver City High School Girls Basketball Team.

Vice Mayor Sahli-Wells presented the Certificates of Recognition.

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**Community Announcements by City Councilmembers/Information
Items from Staff**

Vice Mayor Sahli-Wells distributed brochures regarding a proposed Metro fare increase noting that public input was requested with a meeting on March 29; announced a public meeting on Express Lanes at Union Station on March 31; distributed letters to Councilmembers to sign from the Center for Biological Diversity in opposition to fracking; reported attending an SB535 workshop on environmental justice; and she reminded everyone to vote on April 8, 2014.

Councilmember O'Leary reported a workshop meeting of the Watershed Advisory Council to discuss the Bay Restoration Plan; and he invited everyone to attend meetings of the Santa Monica Bay Restoration Commission on the third Wednesday of the month at the Marina Del Rey Yacht Club.

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF VIRGINIA KUECHLE, MOTHER OF LONG TIME PLANNING COMMISSIONER JOHN KUECHLE.

MOVED BY MAYOR COOPER, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF GARY SILMAN.

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Joint Public Comment - Items Not on the Agenda

Mayor Cooper invited public comment.

The following members of the audience addressed the City Council:

Rebecca Rona-Tuttle thanked the City Council for the Parkway Ordinance workshop and discussed possible changes.

Vice Mayor Sahli-Wells indicated that an online survey was available; discussed public outreach; and more sustainable parkways.

Dr. Jay Shery discussed the history and goals of the Exchange Club; the annual 4th of July fireworks show; and an alternate location for this year.

Discussion ensued between staff and Councilmembers regarding agendizing a discussion of the event and location.

Donna Le Blanc, Rancho Higuera Neighborhood Association, discussed traffic issues in the neighborhood and vagrants in the area.

Discussion ensued between staff and Councilmembers regarding Parcel B; alternative entrances; and Beats by Dr. Dre.

Larry Kornofsky expressed concern with a high-tension electric line above a high-pressure gas line between Northgate Street and the College.

Mike Delgado expressed concern with issues connected to the Crossroads development; discussed a recent event at Blaze Pizza; the ratio of retail to business; Conditions of Approval; the right-turn only restriction; and he requested help from the City to address the situation.

Discussion ensued between Councilmembers and the speaker regarding the lack of an Environmental Impact Report (EIR); clarification that the property has been operating without a permit for over a year; the parking study; valet parking; identifying and documenting current conditions; permit parking vs. 24/7; the right turn restriction; the Conditions of Approval; the driveway; and better communication with residents.

Michelle Mayans, Ask 2 Know, invited everyone to the West LA College Open House and she distributed fliers to Councilmembers.

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Receipt and Filing of Correspondence

Martin Cole, Assistant City Manager/City Clerk, referenced acceptance of items received by the City Clerk's Office before 4:00 p.m. on items A-1 and A-2, and items received during the Special Meeting from the Chamber of Commerce.

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

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Joint Consent Calendar

Item JC-1

Cash Disbursements

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE CASH DISBURSEMENTS FOR MARCH 1, 2014 - MARCH 14, 2014.

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Consent Calendar

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPROVE ITEMS C-1, C-2 AND C-3.

Item C-1

Approval of an Amendment to the Existing Professional Services Agreement with Eagle Pump Services, Inc. in an Amount Not-to-Exceed \$10,000

THAT THE CITY COUNCIL:

1. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH EAGLE PUMP SERVICES, INC. IN AN AMOUNT NOT-TO-EXCEED \$10,000.00 (FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$40,000); 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-2

(1) Rejection of a Bid Submitted by SOPAC General Engineering and (2) Award of a Construction Contract to FS Construction in an Amount Not-to-Exceed \$59,225 (\$52,225 Base Bid Plus \$7,000 in

Change Order Authority) for the CDBG Sidewalk & Curb Repair Project, P-428, CDBG Project No. 601542-13

THAT THE CITY COUNCIL:

- 1) REJECT THE BID SUBMITTED BY SOPAC GENERAL ENGINEERING AS NON-RESPONSIVE; AND,
- 2) AWARD A CONSTRUCTION CONTRACT TO FS CONSTRUCTION FOR THE CDBG SIDEWALK & CURB REPAIR PROJECT, P-428, CDBG PROJECT NO. 601542-13, IN THE AMOUNT OF \$59,225 (\$52,225 BASE BID PLUS \$7,000 IN CHANGE ORDER AUTHORITY); AND,
- 3) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED \$7,000, IF NECESSARY; AND,
- 4) AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
- 5) AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-3

(1) Acceptance of Work Performed by STL Landscape, Inc.; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period for the Culver City Demonstration Rain Gardens Project, P-497

THAT THE CITY COUNCIL:

- 1) ACCEPT THE WORK PERFORMED BY THE CONTRACTOR, STL LANDSCAPE, INC., FOR THE CULVER CITY DEMONSTRATION RAIN GARDENS PROJECT, P-497; AND,
- 2) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER'S OFFICE FOR RECORDATION; AND,
- 3) AUTHORIZE THE RELEASE OF RETENTION FUNDS IN THE AMOUNT OF \$15,802 TO STL LANDSCAPE, INC. UPON EXPIRATION OF THE THIRTY-FIVE DAY LIEN PERIOD.

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Order of the Agenda

Discussion ensued between staff and Councilmembers regarding notification for item A-2; speakers present for the item; outreach for the item; the ice rink issue; urgency of the item; clarification that the item is for discussion purposes to provide direction to staff and that there will be more opportunities to provide input on the item; and notification to business license holders of apartment complexes.

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Joint Action Items

Item JA-1

JOINT CITY COUNCIL AND SUCCESSOR AGENCY BOARD AGENDA ITEM: (1) Consideration of the Amount of In-Kind Assistance for and Possible City Sponsorship of The Los Angeles Modernism Show, The Culver City Car Show, the Culver City Train For Autism 5K and 10K Run, IndieCade: International Festival of Independent Games, and the Crush Cancer Event; (2) Approval of Street Closures Where Applicable; and (3) Approval of Related License Agreements

Mayor Cooper invited public participation.

The following members of the audience addressed the City Council:

Tim Bomba, Train for Autism, thanked the City Council for their consideration.

Stephanie Barish, IndieCade, thanked the City Council for past support; discussed the growth of the event; and the success of their relocation to Culver City.

Dr. Jay Shery, The Culver City Exchange Club, thanked the City for past support discussed the growth of the event; clarified a request in their permit; discussed food trucks vs. local restaurants; and support of the Downtown Business Association.

Discussion ensued between Councilmembers and staff regarding qualifications and requirements; looking at criteria for first-time events; established, well-supported events; the

increase in the sponsorship request for the Car Show; additional staff time; requests from previous years; the staff recommendation; the amount paid by the City last year from the General Fund; concern with the dollar cap for the Car Show; actual costs in hours; efficiency with time; overtime; the difficulty of providing a cap; increased attendance; increases to event revenue; projected income; expense liability; money earned by the Exchange Club; admission charges; vendor and exhibitor charges; analysis to ensure that the cost does not fall on the City's shoulders; donations to offset costs; fencing; safety; and sales tax revenues.

Discussion ensued between Councilmembers, staff and Stephanie Barish regarding clarification on tasks requested to be completed by IndieCade; the partnership; infrastructure; hotel accommodations for sponsors; advertising on City buses; venues for the awards dinner; benefits to the City; and TOT benefits.

Additional discussion ensued between staff and Councilmembers regarding the cap on the Car Show expenses; a suggestion to authorize the waiver of the soft costs with the Car Show billed for 100% of the hard costs without a cap; adding the \$3,000 that was given last year to the amount requested this year; keeping the contribution consistent with the previous year; and agreement to waive soft costs and provide \$3,000 in direct staff costs to The Car Show.

MOVED BY VICE MAYOR SAHLI-WELLS, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL AND SUCCESSOR AGENCY BOARD:

1. DETERMINED THE FOLLOWING LEVELS OF FINANCIAL ASSISTANCE TO PROVIDE FOR THE FOLLOWING 2014 EVENTS: LA MODERNISM SHOW (\$1,900 - \$1,100 in parking stall rental fees and \$800 in in-kind staff time), CULVER CITY CAR SHOW (\$11,500 - \$8,500 in in-kind costs including property rental fee waivers, up to a \$3,000 credit toward hard costs), TRAIN 4 AUTISM CULVER CITY RUN/WALK (\$2,680 - \$595 rental fees, \$40 sanitation bin fee, and \$2,045 in in-kind staff time), INDIECADE FESTIVAL (\$13,360 - \$7,475 in property rental fee waivers, \$3,500 in in-kind staff time, \$1,615 in in-kind equipment fee waivers, and \$770 in permit fee waivers), AND CRUSH CANCER (\$1,875 - \$500 in property rental fee waivers, \$1,000 in in-kind staff time, \$300 in in-kind equipment rental, and \$75 in permit fee waivers); AND,

2. DESIGNATED THE FOLLOWING 2014 EVENTS AS A CITY SPONSORED EVENTS: LA MODERNISM SHOW, CULVER CITY CAR SHOW, TRAIN 4 AUTISM CULVER CITY RUN/WALK, INDIECADE FESTIVAL, AND CRUSH CANCER; AND,

3. APPROVE LICENSE AGREEMENTS BETWEEN THE CITY AND EACH OF THE FOLLOWING EVENT ORGANIZERS FOR THE USE OF CITY PUBLIC RIGHTS-OF-WAY, PROPERTY, EQUIPMENT AND IN-KIND STAFF TIME FOR THEIR RESPECTIVE EVENTS: DOLPHIN PROMOTIONS, THE EXCHANGE CLUB, TRAIN 4 AUTISM, CREATIVE MEDIA COLLABORATIVE, AND CROSSTOWN DOGFIT; AND,

4. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

5. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Action Items

Item A-1

Update on Recent Developments and Discussion of Options Regarding Hydraulic Fracturing and other Well Stimulation Operations in the Culver City portion of the Inglewood Oil Field

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

Mayor Cooper invited public participation.

The following members of the audience addressed the City Council:

Rebecca Rona-Tuttle suggested that the City determine how much money to set aside for legal costs; determine how many dollars to pay residents if they sue the City; obligate the oil company to fund a bond equal to the amount to compensate residents for potential losses related to fracking; she discussed County property taxes and declining property values; protection for property owners; and work for a ban throughout the County.

Christopher Patrick King urged the City Council to move forward on a fracking ban in Culver City; he felt that Sacramento could not be relied upon to protect them; and he suggested enacting a local ordinance to ban fracking.

Rick Tuttle discussed the actions of other cities to ban fracking; suggested that Culver City contact other cities for information; and he discussed money set aside for legal costs.

Adrian Martinez, Earth Justice, discussed assertions by the oil industry that cities cannot protect residents; constraints of the law; local and national efforts to protect residents; and he offered legal support.

David Haake, Sierra Club, reported that the Sierra Club had called for a moratorium on fracking; pledged his support for the City's efforts to mitigate the impacts of fracking in urban environments; discussed losing family members to cancer; expressed concern with increased exposure to cancer causing materials; threatened lawsuits; and he encouraged the City to move forward to protect the residents.

Ellie Partovi discussed fumes in her area, and she asked that a water and air quality study be conducted.

Larry Kornarsky discussed science and earthquakes; expressed appreciation to the City Council for their efforts; expressed concern with the frequent presence of oil company workers in the City; and he requested monitoring of their actions.

Gary Gless, Citizens Coalition for a Safe Community, asserted that fracking was currently in process in the City; discussed ground lift; bungalows condemned in the schoolyard; increased incidences of cancer in the area; decreased property values; and he asked the City Council to ban the process.

Khin Khin Ghi discussed the lack of information from the oil industry; chemicals used in fracking; lead, mercury and radon running off into Ballona Creek; the link between fracking and earthquakes; and she encouraged the City to prohibit drilling and fracking in Culver City.

Stephen Murray, Baldwin Hills Oil Watch, reported that 30% of the oil field lies below Culver City; discussed Division of Oil Gas and Geothermal Resources (DOGGR) regulation; a proposed charter amendment; and he wanted to see the City

offer a comprehensive solution addressing fracking as well as the expansion of oil extraction in the City.

Carlene Brown discussed what it means to be a Transition City; commended Vice Mayor Sahli-Wells for her work toward a sustainable community; expressed appreciation for the support offered by Earth Justice; and support for Christopher Patrick King.

David Bromberg, Democratic Club, reported that the Club was opposed to extreme well stimulation techniques in Culver City and the surrounding areas; was open to a local or state solution to secure long and short-term health, safety, and property; and encouraged the City Council to protect the health and safety of the community.

Suzanne De Benedittis, Citizens Coalition for a Safe Community, distributed information to the City Council and questioned whether a lawsuit or a devastating earthquake would be more expensive; thanked the City for their work to deal with hazards associated with the oil field; discussed tactics of the oil industry; climate change; lax regulators; odors in her area; the Air Quality Management District; health issues of her neighbors; insurance bonds; inclusion of a probable cause agreement; and she expressed concern regarding high intensity power lines above the gas pipe lines.

Brenna Norton, Food and Water Watch, discussed dangers to health and property; toxic chemicals being used in LA County; the prohibition of fracking; threats and lawsuits; actions of other cities; legal precedents; zoning; and she offered free legal advice from Food and Water Watch as well as other communities that have been through the process.

Donna Kent, Downtown Neighborhood Association, thanked the City Council for their work to protect residents; she asked the City Council to ban fracking; discussed her work doing orthopedic clinical research with pharmaceutical and biological companies; manipulated data; and damage to the foundation of her home.

J.E. Brockman suggested figuring out how to deal with a lawsuit; discussed issues caused by fracking; prime fracking areas; the percentage of residents that signed leases for oil extraction rights; those who refused to sign; and she expressed appreciation to the City Council for their work.

Daryl Gale provided background on herself and asked the City Council to ban or put a moratorium on fracking.

Paul Ferrazzi, Citizens Coalition for Safe Community, discussed the two-year moratorium; attendance of CAP meetings by the City representative; the EIR for the PXP plan; well permitting; the discretionary process; EIRs for injection wells; the transition from discretionary authority to ministerial authority; the supporting motion; and efforts to affect changes to the municipal code to prevent drilling in Culver City.

Jeremy Green, Management Analyst, read comments submitted by:

Alicia Teichman
Michael Hersh
Deborah Myers

Discussion ensued between staff and Councilmembers regarding costs to the City for the moratorium; legal costs for the CSD litigation; costs for Aspen Environmental; legal consultants for the draft oil drilling ordinance; the current bond for the oil companies and the likelihood of an increase; industry standards; protective environmental bonds; moratorium vs. ban; impacts to current operations; the number of active wells in the Culver City portion of the oil field; maintenance; deepening or re-drilling; enacting a moratorium on new activity vs. current operations; existing wells vs. new wells; language in the Los Angeles motion; drafting of the municipal code ordinance; the decision on vested rights; discretionary action issues; public input; the technical ordinance; the discussion draft; the CSD and settlement agreement; concern with losing current protections if the City is sued and loses; submission of additional applications; the Los Angeles resolution; working with the City of Los Angeles; the Los Angeles ordinance; following the lead of Los Angeles; letters of support from State Senator Holly Mitchell and the Center for Biological Diversity; appreciation to Mayor Cooper, staff and to the community for their efforts; effects of oil drilling; current issues; health issues and property damage; past issues in the City with leaks, fumes and fires; whether fracking is good for the City; changes to the process over the years; the oil company's fracking study; the industry standard; and studying a land use moratorium.

Vice Mayor Sahli-Wells moved that the City Attorney follow in the footsteps of Los Angeles and study a land use moratorium

to be brought back for a City Council vote, with a zoning ordinance to place a defensible moratorium on hydraulic fracturing, acidization, and gravel packing.

Additional discussion ensued between staff and Councilmembers regarding the length of the process; the current agreement that the oil company not ask for any new permits while the study is in process; ensuring that protections stay in place; clarification on the actions of Los Angeles; Bonin/Koretz; the zoning element; the importance of building a coalition; appreciation for the work of State Senator Holly Mitchell; getting Inglewood on board; residents that abut the Inglewood Oil Field; support for the language proposed by the Vice Mayor; letting Los Angeles lead the way; the Los Angeles timeline; the importance of strong, defensible language; working with other cities; appreciation to those groups that have offered assistance; the actions of Carson; eminent danger; Occidental Petroleum; the likelihood of getting another moratorium; the 2009 moratorium; additional technical information; public concerns regarding health and subsidence; different circumstances; the length of time for the Los Angeles process; the importance of a coalition; and whether it matters who goes first.

Councilmember O'Leary proposed a substitute motion that the City Council follow Los Angeles due to their greater resources, and once Los Angeles has acted, that the item return to the Culver City City Council for consideration. Councilmember Weissman seconded the motion.

Vice Mayor Sahli-Wells amended her motion to direct staff to monitor the actions of Los Angeles if they act, return the item for consideration by the Culver City City Council while Culver City progresses with their own proposed moratorium so that there is a draft in place, or, if Los Angeles does not act or pass the measure, the item returns to the Culver City City Council.

Further discussion ensued between staff and Councilmembers regarding the desire for unanimity; clarification that actions would be taken while waiting for the City of Los Angeles; writing a defensible moratorium; taking the time to work with other organizations; moving forward once the document is ready; the vote of the Los Angeles City Council; concern with going out in front of Los Angeles; clarification that other cities have successfully done this; concern that if Los Angeles doesn't pass it, Culver City will not pass it; staff

monitoring of the progress of the agenda item; the need to make the legal findings to justify any moratorium; support for bringing the item back once the actions of Los Angeles are known with ongoing work on Culver City's oil drilling ordinance in the meantime; clarification that there is no commitment from the Los Angeles City Attorney that they are going to act; outreach to the City of Los Angeles; putting pressure on the County; a suggestion to return in May with the initiation of the specific plan with an update on the status of the City of Los Angeles; divergent opinions; drafting the Culver City moratorium independently of what Los Angeles does; mirroring actions of Los Angeles; collaboration; involving the Oil Drilling Subcommittee; contacts with elected officials; and ensuring that the City Council has a chance to discuss the item.

Councilmember O'Leary amended his substitute motion and proposed that the City move forward but follow the City of Los Angeles if they are moving through a normal process so Culver City is ready to act.

Councilmember Weissman felt it important to ensure that the City had a meeting to consider the motion before voting on it.

Vice Mayor Sahli-Wells amended her original motion to direct the City Attorney to draft a zoning ordinance to place a defensible moratorium on hydraulic fracking, acidization and gravel packing, while at the same time following other cities and other organizations to create a strong ordinance, and choose the opportune time to vote on it.

Councilmember Weissman suggested that the City would want to craft language to be consistent with protective language that exists elsewhere, which meant waiting.

Discussion continued between staff and Councilmembers regarding the need for discussion of the item after the actions of Los Angeles become clear.

COUNCILMEMBER CLARKE PROVIDED A SUBSTITUTE MOTION THAT THE CITY COUNCIL:

1. MOVE FORWARD WITH THE OIL DRILLING ORDINANCE, AND;
2. CREATE A DRAFT OF AN ORDINANCE FOR A MORATORIUM WHICH IS REVIEWED BY THE OIL DRILLING SUBCOMMITTEE, AND;

3. COMPARE WHAT CULVER CITY COMES UP WITH TO THE CITY OF LOS ANGELES AND OTHER JURISDICTIONS, AND:

4. MAKE ANY ADJUSTMENTS RECOMMENDED AS A RESULT OF THAT REVIEW AND HAVE IT REVIEWED BY THE OIL DRILLING SUBCOMMITTEE, AND;

5. BRING THE END RESULT BACK TO THE CITY COUNCIL FOR A VOTE.

VICE MAYOR SAHLI-WELLS SECONDED THE SUBSTITUTE MOTION THAT CARRIED UNANIMOUSLY.

Martin Cole, Assistant City Manager/City Clerk, clarified that with the passage of the Substitution Motion, all other motions had died.

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Item A-2

Discussion of Draft Ordinance Regulating Smoking in Multi-Unit Housing and Direction to Staff

Heather Baker, Assistant City Attorney, provided a summary of the material of record.

Mayor Cooper invited public input.

The following members of the audience addressed the City Council:

Alex Comisar, California Apartment Association, reiterated the position of that organization noting that they felt that smoking should be a self-regulating issue between tenants and landlords; he added that if an ordinance is pursued they wanted to see City enforcement; he discussed liability issues; the difficulty of having landlords responsible for enforcement; applying the ordinance to anything being smoked; he suggested that there be a grandfather period to allow leases to expire; felt that the issue would work itself out and that legislative policy was not necessary; and that members of the Association should not have to enforce a policy that prohibits smoking on a municipal level.

Discussion ensued between Councilmembers and the speaker regarding e-cigarettes; self-regulation; enforcement; medical marijuana; the difficulty of getting problem tenants out; patios; migrating smoke; policies for common areas; the trend

toward non-smoking buildings; property values; grandfathering; and expiring leases.

Linda Thomas discussed her experiences with a smoking parent; concern with endangering children; the American Cancer Society tests of children in apartments and homes; the difficulty of finding non-smoking apartments; and she asked the City Council to protect residents.

Ben Bregman expressed support for regulations to restrict smoking in multi-unit buildings; he discussed disputes between residents; designated smoking areas on the property; health issues; and the authority of the Board of the Homeowners Association.

Joshua Brindle, Coalition for Smoke Free Living in Culver City, discussed his father's cancer experience; secondhand smoke; information provided to the City Council on the number of residents who want to live in a smoke free environment; travelling smoke; he pointed out that voluntary policies could be changed by a new landlord but City policy would be harder to change with new ownership; he expressed support for a City-wide solution; discussed the need for additional protection; and he noted that the urgency is there not to have the issue put off any longer.

Discussion ensued between Councilmembers and the speaker regarding single-family residences; renters vs. owners; condominiums; proximity; common walls; protecting children from the smoke of their parents in single family homes; enforcement; nuisance laws; designated areas; smaller complexes; taking away choice; putting the needs of some people over others; and separating smokers from those who do not smoke.

Adam Lane, Coalition for Smoke Free Living in Culver City, discussed his experiences; empowering tenants and landlords; and taking a stand against secondhand smoke.

Discussion ensued between staff, Councilmembers and the speaker regarding whether the landlord designated the unit in his building as smoke-free; the size of the apartment building; discrimination against renters based on smoking; and protected classes.

Angela de Dios, Coalition for Smoke Free Living in Culver City, discussed her experiences with smoking neighbors; she

expressed concern with the health of her family; and she asked the City Council to protect residents.

Jesse Hill, Assistant Manager of The Meadows Apartments, discussed the issue of smoking in apartment complexes; requested that if smoking is banned the City Council clarify the definition of smoking, implementation policies, and the enforcement strategy, the time be allowed to bring leases into compliance, and that self-regulation be the method of enforcement.

Discussion ensued between staff, Councilmembers and the speaker regarding current methods to resolve issues; smoking stations throughout the property; current applications; lease issues; evicting problem tenants based on smoking alone; fines and penalties; liability; language in the discussion draft to protect the landlord; compliance; lease terms; implementation; private enforcement mechanisms and City enforcement; and grouping smokers into one building.

Stephen Murray discussed his experience as a contractor; air infiltration; airtight buildings; code required air changes; mechanical and electrical filters; balconies and patios; air movement; he felt that smoking should be a nuisance so that people would have a right to complain and take action; discussed chemical sensitivities; problems with subdividing; and support for segregating stand-alone structures.

Rich Kissel echoed comments made by Alex Comisar and Jesse Hill; discussed converting apartments to non-smoking units; the California Association of Realtors Residential Lease form; available options; differences between Los Angeles leases and Culver City leases; conversions; the trend towards more non-smoking units; and the preference for implementation on a voluntary basis.

Councilmember Weissman received clarification that that once the lease becomes month-to-month the terms can be changed.

Steve Rose, President and CEO of the Culver City Chamber of Commerce, echoed the comments of Alex Comisar, Jesse Hill and Rich Kissel, and he discussed notification procedures.

Councilmember Clarke received clarification that the Chamber of Commerce agreed with conditions suggested by Jesse Hill.

Discussion ensued between staff and Councilmembers regarding evidence of the trend toward non-smoking units; the intrusive nature of smoke; concerns with over-regulation; which rights take precedent; the scope of the ordinance; single family homes; support for a smoking ban for both new and existing condos; cities that ban a certain percentage of units; detached buildings; allowing an 80% ban for those complexes with detached buildings; the 12-month phase in; landlord protections; e-cigarettes; medical marijuana; common areas; designated smoking areas; self-enforcement; eviction; small claims court; hybrid cities; complaint based enforcement; education; establishing a strong statement that secondhand smoke is a health hazard; a suggestion that public area guidelines include e-cigarettes and medical marijuana; establish guidelines to give direction; wind direction; a suggestion to have large projects consider smoking buildings; small apartments; having enforcement start with the landlord and the HOA Board; education regarding secondhand smoke for single family homes; a suggestion to have buildings establish a policy submitted to the City with a two-year review; a suggestion to have a 15-month implementation period; guidelines vs. an ordinance; monitoring; clarification that guidelines are not enforceable; the fiscal analysis; the current smoking ordinance; pets; clarification that small claims court is a private action; disclosure during buying and selling; ownership issues with condominiums; existing units; the phase-in plan; grandfathering; locations where smoking is prohibited; balconies and patios; buffer zones; the Santa Monica ordinance; outreach; advantages to apartment owners of having units be smoke-free; having the Homeowner Associations handle enforcement; controlling smoking in multi-family units; placing responsibility on the landlords rather than having the City place a policy on them; state law; options in the staff report; differing positions of Councilmembers; clarification on noticing procedures; including a survey with the notification; and agreement to bring the item back for additional consideration.

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Item A-3

(1) Appointment to the Parks, Recreation and Community Services Commission; and (2) Provide Direction to the City Manager Related to Vacancies on the Committee on Homelessness, Landlord-Tenant Mediation Board, and the Fiesta La Ballona Committee

Discussion ensued between staff and Councilmembers regarding inadequate response; waiting for the next cycle; individual outreach; late applications; interested parties; community involvement; the request by the Parks, Recreation and Community Services Commission for an additional Commissioner; qualifications; precedent; and the importance of having a choice.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY COUNCILMEMBER WEISSMAN THAT THE CITY COUNCIL APPOINT SCOTT ZEIDMAN TO FILL VACANT OFFICE NO. 2 OF THE PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION FOR THE UNEXPIRED TERM ENDING ON JUNE 30, 2015. THE MOTION CARRIED BY THE FOLLOWING MOTION:

AYES: COOPER, CLARKE, WEISSMAN
NOES: O'LEARY, SAHLI-WELLS

Further discussion ensued between staff and Councilmembers regarding another position to be filled on the Parks Recreation and Community Services Commission; late applicants; and partial terms.

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Item A-4

CITY COUNCIL AGENDA ITEM: FOUR-FIFTHS VOTE REQUIRED - (1) Approval of an Agreement with AHBE Landscape Architects in an Amount Not-to-Exceed \$140,000 for the Development of a Streetscape Plan for the Washington National Transit Oriented Development District; and (2) Approval of a Budget Amendment Related Thereto

Mayor Cooper invited public comment.

Martin Cole, Assistant City Manager/City Clerk, reported that two cards had been received in support of the motion.

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

1. APPROVE A BUDGET AMENDMENT APPROPRIATING \$140,000 FROM GENERAL FUND RESERVES INTO ACCOUNT 10150120.619800 (ECONOMIC DEVELOPMENT - OTHER CONTRACTUAL SERVICES - A BUDGET AMENDMENT REQUIRES A 4/5THS VOTE); AND,

2. APPROVE AN AGREEMENT WITH AHBE LANDSCAPE ARCHITECTS IN AN AMOUNT NOT-TO-EXCEED \$140,000 FOR THE PREPARATION OF A WASHINGTON NATIONAL TRANSIT ORIENTED DEVELOPMENT DISTRICT STREETScape PLAN; 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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Public Comment - Items Not on the Agenda (Continued)

Mayor Cooper invited public comment.

No cards were received and no speakers came forward.

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Items from Councilmembers

None.

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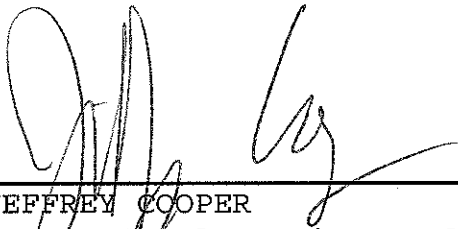
Adjournment

There being no further business, at 12:46 a.m., Tuesday, March 25, 2014 the City Council adjourned its meeting in memory of Virginia Kuechle and Gary Silman to Monday, April 21, 2014 at 7:00 p.m.

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Martin R. Cole
CITY CLERK of Culver City, California
EX-OFFICIO CLERK of the City Council
Culver City, California



JEFFREY COOPER
MAYOR of Culver City, California