

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

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

February 13, 2017  
5:30 p.m.

**Call to Order & Roll Call**

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

Present: Jim B. Clarke, Mayor  
Jeffrey Cooper, Vice Mayor  
Göran Eriksson, Council Member  
Meghan Sahli-Wells, Council Member  
Thomas Small, Council Member

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

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**Closed Session**

Mayor Clarke announced the following Item CS-3 had been pulled from the agenda and would not be considered.

**CS-3** Conference with Legal Counsel - Existing Litigation  
Emery Eccles v. City of Culver City et. al.  
LASC Case No. BC639773  
Pursuant to Government Code Section 54956.9(d) (1)

The City Council recessed to Closed Session to consider

the following items:

**CS-1** Conference with Legal Counsel - Existing Litigation  
City of Culver City v. U.S. Dept. of Transportation et. al.  
D.C. Circuit (USCA) Case No. 17-1010  
Pursuant to Government Code Section 54956.9(d) (1)

**CS-2** Conference with Legal Counsel - Existing Litigation  
Alliance for a Regional Solution to Airport Congestion  
(ARSAC) v. City of Los Angeles et. al.  
VCSC Case No. 56-2014-00451038-CU-WM-OXN  
Pursuant to Government Code Section 54956.9(d) (1)

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### **Reconvene**

Mayor Clarke reconvened the City Council at 6:49 p.m. with all Members present.

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### **Recognition Presentations**

Item R-1

#### **CC - Presentation of Certificates of Recognition to the Participants in the Homeless Count**

Mayor Clarke presented Certificates of Recognition to the participants in the 2017 Homeless Count.

Ira Diamond, Committee on Homelessness Chair, commented on first time volunteers and the number of volunteers available from the community this year; discussed data obtained to help train necessary resources on homeless in the area; he thanked Upward Bound House, St. Josephs Center, staff, Council Members, and the Committee on Homelessness for their work on the event; and he thanked those vendors that had provided food.

Tevis Barnes, Housing Administrator, discussed the number of volunteers; the work of the Committee on Homelessness; participation by the Fire Department; and actions of the Police Department.

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**Recess**

Mayor Clarke called a brief recess from 6:55 p.m. to 7:00 p.m.

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**Reconvene**

Mayor Clarke reconvened the City Council meeting and convened the Culver City Housing Authority Board, Culver City Parking Authority Board, and the Successor Agency to the Culver City Redevelopment Agency Board at 7:00 p.m. with all Members present.

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**Invocation/Pledge of Allegiance**

John Nachbar, City Manager, led the invocation and the Pledge of Allegiance was led by Jozelle Smith.

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This item was taken out of sequence.

**Community Announcements by City Council Members/  
Information Items from Staff**

Dan Hernandez, Parks, Recreation and Community Services Director, discussed previous awards received by the Parks Recreation and Community Services department; announced receipt of the 2017 Outstanding Program Award for Fiesta La Ballona from the California Association of Commissioners and Board Members; and he reported that the Plunge would be closed from March 20 - April 10 for necessary renovations.

Scott Bixby, Police Chief, introduced and provided background on the newest officers in the department, Lucille Wallis and Travis Amerian.

Jeremy Green, Deputy City Clerk, announced the upcoming municipal election on March 7 including County Measure H and

three seats for the Trustees of Los Angeles Community College District; she encouraged everyone to register to vote by the February 21 deadline; noted the deadline to request a vote by mail ballot is February 28; and she reported that early voting was available at West Los Angeles College.

Council Member Sahli-Wells spoke on the importance of Measure H and the need to get out to vote on March 7; she reported attending an LA County Summit on Homelessness; and she discussed the number of homeless and the need for funding to implement strategies to address the issue.

Vice Mayor Cooper reported attending the Community Econ and Human Development Committee meeting of the Southern California Association of Governments (SCAG) on February 2; discussed the SCAG Sustainability Grants Award program; reported on the Mobility of Millennials presentation; and he asked that the City Council adjourn in memory of the wife of Disability Advisory Committee Chair Jay Shery who recently passed away.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF KATIE SHERY.

Mayor Clarke reported on his attendance of the SCAG Transportation Committee meeting and a seminar on automated vehicles noting that a presentation on automated vehicles might be coming from their Transportation Director in a few months; reported attending an event put on by the Iman Muslim Cultural Center regarding religious and cultural diversity and concerns with the Trump administration; and he reviewed the agenda and public comment rules for the evening.

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#### **Joint Public Comment - Items Not on the Agenda**

Mayor Clarke invited public comment.

The following members of the audience addressed the City Council:

Marcus Tiggs, Culver City Centennial Celebration Committee, announced the Culver City Centennial Goes Backstage mixer/fundraising event on February 22 at the Backstage Bar and Grill; a fundraising event at the Sandy

Segal Youth Health Center on February 25; and announced the Screenland 5K Run on February 26.

Stephen Fisher, Mayme Clayton Library and Museum Board Member, introduced Executive Director Lloyd Clayton.

Lloyd Clayton invited everyone to the Mayme Clayton Library and Museum Poetry and Jazz event on February 25.

Rebecca Rona-Tuttle urged the City Council to agendize the topic of Culver City as a sanctuary city and related a story of one of her former students being pulled from her class and taken away by immigration officials.

Tiffany Lanoix reported that she was a sociologist and Culver City resident and requested that Culver City become a sanctuary city.

Marsha Temple, Integrated Recovery Network, asked that City Council recommend approval of a yes vote on Measure H to the Westside Cities Council of Government.

Mayor Clarke pointed out that it was not the appropriate time to speak on the item as it is an agenda item.

Lisa Schultz, Whole Nine and Peace Project, announced that her gallery on Main Street would be open to support those working on the sanctuary issue; announced two Affair of the Arts festivals, to be held in the City on May 6-7 and November 4-5, 2017; and she asked for a consideration of City sponsorship.

Mayor Clarke reviewed the City's new sponsorship procedures with Ms. Schultz and City Council consensus was reached to put sponsorship for her May event on the agenda for the next meeting.

Lemar Betts, Skateside Skateboarding, asked that funds be put into the parks, including the Culver City Skate Park.

Mayor Clarke invited Mr. Betts to voice his request at the Joint City Council/Parks, Recreation and Community Services Commission meeting on March 7 to discuss workplan and budget ideas.

Paula Amezola De Herrera discussed her family's immigration issues and asked Culver City to protect their mixed immigration status and to support SB-54.

Prisca Gloor spoke on the stance of the Trump Administration on immigration and asked for sanctuary city status.

Marnie Zimmerman asked that consideration of making Culver City a Sanctuary City be placed on a future agenda.

Mayor Clarke announced the next speaker would need to be the last due to time constraints and he acknowledged that the majority of those present were in favor of agendizing a discussion of sanctuary city status.

Noah Zatz, Culver City Action Network, asked the City Council to agendize and pass a strong sanctuary city resolution.

Mayor Clarke inquired of City Council members as to whether there was support to agendize the issue of sanctuary city status at a future meeting.

Council Members made inquiries of staff to seek further information and/or clarification regarding this topic, and the Mayor received consensus to agendize a discussion of SB54 at the February 27<sup>th</sup> City Council meeting and the sanctuary city issue at the March 27<sup>th</sup> City Council meeting.

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This item was taken out of sequence.

#### **Report on Action Taken in Closed Session**

Mayor Clarke reported that no action had been taken in Closed Session noting that Item CS-3 had been pulled from the agenda.

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#### **Receipt and Filing of Correspondence**

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY

COUNCIL RECEIVE AND FILE CORRESPONDENCE RECEIVED BY THE CITY CLERK'S OFFICE BEFORE 4:00 P.M. ON FEBRUARY 13, 2017.

Jeremy Green, Deputy City Clerk, reported that correspondence received included 7 items for Items Not on the Agenda, 5 items for Item A-1, and two items for Item A-3.

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### **Order of the Agenda**

No changes were made.

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### **Consent Calendar**

Mayor Clarke noted that a correction to Item C-11 in the minutes of the regular meeting of January 23, 2017 had been made by the City Clerk and the minutes would be adopted as amended.

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCIL MEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-9.

Item C-1

### **CC:HA:SA - Cash Disbursements**

THAT THE CITY COUNCIL, CULVER CITY HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR JANUARY 14, 2017 - FEBRUARY 3, 2017.

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Item C-2

### **CC:HA:SA:PA - Meeting Minutes**

THAT THE CITY COUNCIL, CULVER CITY HOUSING AUTHORITY BOARD, CULVER CITY PARKING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE CULVER CITY REDEVELOPMENT AGENCY BOARD: APPROVE MINUTES FOR THE REGULAR MEETING OF JANUARY 23, 2017 AS AMENDED, AND THE MINUTES FOR THE SPECIAL JOINT

CITY COUNCIL/PLANNING COMMISSION MEETING OF JANUARY 25,  
2017 AS WRITTEN.

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Item C-3

**CC - Approval of a Professional Services Agreement with  
RSM US LLP, in an Amount Not-to-Exceed \$56,200, to Conduct  
a Comprehensive Refuse Container and Billing Audit**

THAT THE CITY COUNCIL:

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH RSM US LLP, IN AN AMOUNT NOT-TO-EXCEED \$56,200 TO CONDUCT COMPREHENSIVE REFUSE CONTAINER AND BILLING AUDIT;
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-4

**CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications dba Wilcon for Use of the Public Right-of-Way at Robertson Boulevard, Lindblade Street, Higuera Street, and Hayden Avenue, to provide service for the property at 3555 Hayden Avenue**

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH FREEDOM TELECOMMUNICATIONS FOR 3,547 LINEAR FEET OF PROPOSED FIBER OPTIC TELECOMMUNICATION CABLE IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO ROBERTSON BOULEVARD, LINDBLADE STREET, HIGUERA STREET, AND HAYDEN AVENUE;
2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.



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Item C-5

**CC - Adoption of a Resolution Approving an Encroachment Agreement with Freedom Telecommunications dba Wilcon for Use of the Public Right-of-Way Near 4500 Sepulveda Boulevard and a Nearby Alley**

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH FREEDOM TELECOMMUNICATIONS FOR 472 LINEAR FEET OF PROPOSED FIBER OPTIC TELECOMMUNICATION CABLE IN THE PUBLIC RIGHT-OF-WAY NEAR 4500 SEPULVEDA BOULEVARD AND A NEARBY ALLEY;
2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-6

**CC - Adoption of an Ordinance Approving Zoning Code Map Amendment P2016-0087-ZCMA to Change the Zoning for the Project Site Located at 3434 Wesley Street from Industrial General (IG) to Commercial General (CG) in Order to Allow the Construction of a Proposed Mixed-Use Project Consisting of 15 Residential Units (Including One Very Low Income Unit), 4,364 Square Feet of Commercial Space, and Ground Level Subterranean Parking Totaling 69 Parking Spaces on the Project Site**

THAT THE CITY COUNCIL: ADOPT AN ORDINANCE APPROVING ZONING CODE MAP AMENDMENT P2016-0087-ZCMA TO CHANGE THE ZONING FOR THE PROJECT SITE LOCATED AT 3434 WESLEY STREET FROM INDUSTRIAL GENERAL (IG) TO COMMERCIAL GENERAL (CG) IN ORDER TO ALLOW THE CONSTRUCTION OF A PROPOSED MIXED-USE PROJECT CONSISTING OF 15 RESIDENTIAL UNITS (INCLUDING ONE VERY LOW INCOME UNIT); 14,364 SQUARE FEET OF COMMERCIAL SPACE; AND GROUND LEVEL SUBTERRANEAN PARKING TOTALING 69 PARKING SPACES ON THE PROJECT SITE.

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Item C-7

**CC - FOUR-FIFTHS VOTE REQUIREMENT - (1) Approval of the Funding Agreement with Los Angeles County Metropolitan Transportation Authority for the Network-Wide Traffic Signal Synch with VID & Arterial Performance Measurement System Project, PL-008; (2) Approval of the Project Readiness Certification; and (3) Approval of a Budget Amendment Appropriating \$989,517 of Metro Grant Funds and \$247,379 of Matching Funds in FY16/17 CIP Budget for this Project**

THAT THE CITY COUNCIL:

1. APPROVE THE FUNDING AGREEMENT WITH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE NETWORK-WIDE TRAFFIC SIGNAL SYNCH WITH VID & ARTERIAL PERFORMANCE MEASUREMENT SYSTEM PROJECT, PL-008; AND,
2. APPROVE THE PROJECT READINESS CERTIFICATION; AND,
3. APPROVE A BUDGET AMENDMENT APPROPRIATING \$989,517 OF METRO GRANT FUNDS AND \$247,379 OF MATCHING FUNDS IN FY16/17 CIP BUDGET FOR THIS PROJECT; 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-8

**CC - Approval of an Agreement with SIGMAnet for the Purchase of Cisco Business Edition Servers, Voice Gateways, Installation Services, and Cisco SmartNet Maintenance to Update the City's Telephone Hardware and Software in an Amount Not-to-Exceed \$140,059.02 (\$133,559.02 Base Amount, Plus \$6,500 in Contingency)**

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH SIGMANET FOR THE PURCHASE OF

CISCO BE6K SERVERS, VOICE GATEWAYS, PROFESSIONAL SERVICES, AND MAINTENANCE IN AN AMOUNT NOT-TO-EXCEED \$133,559.02; AND

2. AUTHORIZE THE CHIEF INFORMATION OFFICER TO APPROVE AN AMENDMENT(S) TO THE AGREEMENT IN A CONTINGENCY AMOUNT NOT-TO-EXCEED \$6,500.00 FOR UNPLANNED PROJECT COSTS; 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-9

**CC - FOUR-FIFTHS VOTE REQUIREMENT (1) Acceptance of \$195,030.35 in Los Angeles County Proposition A Maintenance and Servicing Excess Funds Awarded to the City of Culver City; (2) Approval of a Budget Amendment to Appropriate \$187,000 of the Funding for Veterans Memorial Park 5 - 12 Playground Equipment Replacement; and, (3) Approval of a Budget Amendment to Appropriate the Remaining \$8,030.35 to Partially Fund the Fiscal Year 2016-2017 Haynes Custodial Contract for the Culver City Senior Center**

THAT THE CITY COUNCIL:

1. ACCEPT \$195,030.35 IN LOS ANGELES COUNTY PROPOSITION A MAINTENANCE AND SERVICING EXCESS (M&SE) FUNDS AWARDED TO THE CITY OF CULVER CITY;

2. (FOUR-FIFTHS VOTE REQUIRED) APPROVE A BUDGET AMENDMENT TO APPROPRIATE \$187,000 OF THE FUNDING FOR VETERANS MEMORIAL PARK 5 - 12 PLAYGROUND EQUIPMENT REPLACEMENT; AND,

3. (FOUR-FIFTHS VOTE REQUIRED) APPROVE A BUDGET AMENDMENT TO APPROPRIATE THE REMAINING \$8,030.35 TO PARTIALLY FUND THE FISCAL YEAR 2016-2017 HAYNES CUSTODIAL CONTRACT FOR THE CULVER CITY SENIOR CENTER;

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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**Public Hearings**

Item PH-1

**CC - (1) Adoption of a Resolution Confirming the 2017 Annual Work Plan and Levy of Assessments for the Culver City Arts District Business Improvement District; (2) Appointment of Members to the Culver City Arts District Business Improvement Advisory Board for 2017; and (3) Approval of a Management Agreement with the Culver City Arts District Business Improvement District**

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE.

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

Mayor Clarke invited public comment.

No cards were received and no speakers came forward.

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

MOVED BY COUNCIL MEMBER SAHLI-WELLS AND SECONDED BY VICE MAYOR COOPER THAT THE CITY COUNCIL:

1. ADOPT THE PROPOSED RESOLUTION CONFIRMING THE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD'S ANNUAL REPORT AND THE LEVY OF THE CULVER CITY ARTS DISTRICT BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR CALENDAR YEAR 2017; AND
2. APPOINT THE 2017 ADVISORY BOARD AS RECOMMENDED BY THE CULVER CITY ARTS DISTRICT BUSINESS IMPROVEMENT DISTRICT; AND
3. APPROVE A MANAGEMENT AGREEMENT WITH THE CULVER CITY ARTS DISTRICT BUSINESS IMPROVEMENT DISTRICT FOR ONGOING ADMINISTRATION OF THE DISTRICT SIMILAR IN FORM, TERM AND

SCOPE TO THE EXISTING DOWNTOWN BUSINESS ASSOCIATION  
MANAGEMENT AGREEMENT; AND

3. DIRECT THE CITY ATTORNEY TO REVIEW/PREPARE THE  
NECESSARY DOCUMENTS; AND

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

Council Member Sahli-Wells reported that she and Council  
Member Small were forming a Task Force on reviving Ballona  
Creek and she asked that the Culver City Arts District  
Business Improvement District have representation on the  
Task Force.

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#### **Action Items**

Item A-5  
(Out of Sequence)

**CC - Consideration of a City Council Position on Measure H,  
the Los Angeles County Plan to Prevent and Combat  
Homelessness, a Sales Tax Ballot Measure which appears on  
the March 7, 2017 Ballot**

Phil Ansell, Director of the Homeless Initiative, discussed  
the homeless crisis in Los Angeles County; the Los Angeles  
County Homeless Initiative; the critical nature of  
partnerships; mainstream service delivery systems; 47  
identified strategies to combat homelessness; one-time  
County funding for the launch of the 47 strategies;  
opportunities for ongoing revenue; Measure H; approval of  
an inclusive and collaborative planning process to develop  
specific funding recommendations; and reductions to  
homelessness in 2016.

Discussion ensued between the speaker and Council Members  
regarding clarification that there is no organized  
opposition and no opposition statement in the ballot for  
Measure H; results of a poll taken on the 21 items showing  
more interest in providing services than providing housing;  
clarification that funds from Measure H are to be used for  
services and rental subsidies; the role of the City; the  
Culver City Committee on Homelessness; dedication of a  
portion of Section 8 vouchers for permit supported housing

for the chronically homeless; the distribution of Measure H revenue to LA County cities; community based providers; obtaining the Culver City share of funding; the lead public agency for each strategy; and Rapid Rehousing.

Mayor Clarke invited public comment.

The following members of the audience addressed the City Council:

Karlo Silbiger, Committee on Homelessness, discussed the magnitude of the issue and increasing numbers; he noted that the issue went beyond politics and beyond party; he asked the City Council to support the item; reported that the Homelessness Committee had unanimously supported the item; discussed next steps in the process; the willingness of voters to pay extra to help others; election turnout; having the City advocate for a position; and promoting the election.

Daniel Lee expressed support for City Council endorsement of Measure H; discussed whether the problem is a City problem or a County problem; the opportunity to take specific action; and the growing homeless population.

Alex Fisch, Committee on Homelessness, asked the City Council to support Measure H; provided information on the Measure; discussed the financial crisis in 2008; the worsening of the problem; lack of support from the Federal government; and he asserted that Measure H is the way to cure the problem.

Jeremy Green, Deputy City Clerk, read a written comment submitted by:

Marsha Temple

Council Member Eriksson moved to support Measure H and Council Member Sahli-Wells seconded the motion.

Tevis Barnes, Housing Administrator, discussed the substantial increase in numbers of homeless counted in all categories and the identification of a homeless family living on the street during the most recent count.

Discussion ensued between staff and Council Members regarding support for Measure H; putting forward projects

to qualify for funding and address the issue; the commitment to end childhood homelessness; the importance of the vote for the region; and efforts to promote the election.

MOVED BY COUNCIL MEMBER ERIKSSON, SECONDED BY COUNCIL MEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A POSITION TO SUPPORT MEASURE H; AND
2. TRANSMIT THE CITY'S POSITION TO THE COUNTY AND THE EXECUTIVE DIRECTOR OF THE WESTSIDE CITIES COUNCIL OF GOVERNMENTS.

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Item A-4  
(Out of Sequence)

**CC - Approval of City Sponsorship for the 2017 CicLAvia Event, Produced by CicLAvia, a Non-Profit Organization, to be Partially Held in Culver City**

Charles Herbertson, Public Works Director, and Carina Saez, Public Works Associate Analyst, provided a summary of the material of record.

Discussion ensued between staff and Council Members regarding sponsorship; in-kind costs; incorporating the City Centennial into the programming; the Metro grant; outreach; the pop up bike lane; bike valet parking; and the potential to borrow materials from SCAG.

Mayor Clarke invited public comment.

No cards were received and no speakers came forward.

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DETERMINE THAT THE CITY IS PARTICIPATING IN AN OFFICIAL CAPACITY IN THE PLANNING, PREPARATION OR PROMOTION OF THE CICLAVIA CULVER CITY 2017 EVENT;
2. DETERMINE THAT THE CITY IS CONTRIBUTING 25% OF THE

TOTAL ESTIMATED COSTS OF THE CIVIC EVENT OR ACTIVITY OR AT LEAST \$1,000, WHICHEVER IS LESS; AND

3. DESIGNATE THE CICLAVIA CULVER CITY 2017 EVENT AS A CITY-SPONSORED EVENT.

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Item A-3  
(Out of Sequence)

**CC - (1) Approval of up to \$15,148 of In-Kind Assistance for the 2017 Culver City Car Show and Designation of the Car Show as a City-Sponsored Event; (2) Adoption of a Resolution Granting a Permit to the Culver City Exchange Club to Conduct a Beer and Wine Garden in Veterans Memorial Park during the Event; and (3) Approval of Related License Agreement**

Vice Mayor Cooper recused himself from the item and exited the dais.

Elaine Gerety-Warner, Economic Development Project Manager, pointed out an update to the resolution for the Beer and Wine Garden.

Mayor Clarke invited public participation.

The following member of the audience addressed the City Council:

Darrel Menthe reported support of the event by the Downtown Business Association as the event brings hundreds of people to the downtown area.

Discussion ensued between event representatives, staff and Council Members regarding the change of location for the event; Centennial elements of the event; changes to the process for sponsorship requests; notification; starting early in the budget process; concern with potential damage to the turf and mitigations; the parking plan; coordination with Sony; parking restrictions; start time; communication with neighbors; the plan to minimize impact to the neighborhood; and advance neighborhood outreach.

MOVED BY COUNCIL MEMBER SAHLI-WELLS AND SECONDED BY COUNCIL MEMBER ERIKSSON THAT THE CITY COUNCIL:



1. DETERMINE THE AMOUNT OF FINANCIAL ASSISTANCE FOR THE 2017 CAR SHOW TO BE IN AN AMOUNT NOT-TO-EXCEED \$15,148; AND,
2. (IF SUCH IN-KIND FINANCIAL ASSISTANCE IS APPROVED AND DETERMINED TO BE AT LEAST \$1,000) DESIGNATE THE 2017 CAR SHOW AS A CITY SPONSORED EVENT; AND,
3. ADOPT A RESOLUTION GRANTING A PERMIT TO THE CULVER CITY EXCHANGE CLUB TO CONDUCT A BEER AND WINE GARDEN IN VETERANS MEMORIAL PARK DURING THE 2017 CULVER CITY CAR SHOW; AND
4. APPROVE A LICENSE AGREEMENT WITH THE EXCHANGE CLUB FOR THE USE OF VETERANS MEMORIAL PARK, PROPERTY, EQUIPMENT AND IN-KIND STAFF TIME; AND,
5. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,
6. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, ERIKSSON, SAHLI-WELLS, SMALL  
NOES: NONE  
RECUSED: COOPER

Mayor Clarke received clarification from event organizers regarding ensuring that participants do not drink and drive.

Vice Mayor Cooper returned to the dais.

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Item A-1  
(Out of Sequence)

**CC - (1) Discussion of Options Available to City under the 2015 Medical Cannabis Regulation and Safety Act (MCRSA) and the 2016 Adult Use of Marijuana Act (AUMA); and (2) Direction to City Manager as Deemed Appropriate**

Mayor Clarke explained procedures for consideration of the item.

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

Discussion ensued between staff and Council Members regarding clarification that there are currently no marijuana licenses or permits within the City; the existing business license for a marijuana cooperative bookkeeping business; the dispensary rumored to be on Washington Boulevard in Culver City; Los Angeles dispensaries; physician evaluations; permitting options and processes; input from the City of Denver; frequent changes of ownership; retaining the same restrictions in place no matter who owns the entity; potential revenue from different sectors of the market; complexities of the issue; state restrictions; laboratory testing of marijuana; the 600-foot restriction; separation requirements; prohibition cities; regulatory schemes; moratoriums; actions of other cities; options for moving forward; concern with City responsibility; criminal rules; uncertainty with the policies of the new federal administration; the cash nature of the business; and auditing issues.

Mayor Clarke invited public comment.

The following members of the audience addressed the City Council:

Jozelle Smith discussed the positive experiences of a friend of hers with cancer and the relief that marijuana brought to her, and she discussed her experience with the California Council of Criminal Justice and feedback from Police Chiefs throughout the State in support of legalizing marijuana.

Freddy Sayesh provided background on himself; discussed fiscal issues; the right of cities to tax cannabis; increases to revenue and decreases to money spent prosecuting cannabis uses; safe access for those with medical conditions; and he asked that the City examine the issue carefully.

Jose Casarez discussed his experience cultivating cannabis to help his father and cousin with cancer treatment; the proliferation of the cannabis industry; tax revenue benefits; the experiences of other cities; Federal

guidelines; actions of credit unions and investment banks; growing fiscal demands in the City; and he asked that the City consider the opportunity to increase revenue.

Council Member Eriksson discussed prioritization of public health and safety and quality of life; different types of permitted businesses with different impacts; the importance of regulation; understanding the full scope of the business and impacts; input from and coordination with different City departments; available areas; zoning; number of business licenses issued; minimum spacing; street frontage; maintaining neighborhood character; safety; impacts of different business types; neighborhood impacts; crime; Police Department resources; differences between medical and recreational uses; fire and hazardous materials; actual revenue; exploration of models for tax percentage and permit fees; actions of surrounding cities and counties; liability; the importance of understanding the regulations; stakeholder engagement with community members; reviewing appropriate regulations; best practices; and additional opportunities for outreach and engagement.

Discussion ensued between staff and Council Members regarding the experience of the city of Denver; defining goals; ensuring that the process is safe and regulated; residents concerns; concern with driving the business underground; the concentration of sensitive uses; limited options for siting; the importance of not creating a concentrated area or district; consideration of all elements of the process; the effect on the economy; awareness of the actions of neighboring cities; clarity of goals; ensuring that the tax is not so high that the business goes underground; clarification that medical marijuana is not subject to state and local sales tax; regulatory fees; excise taxes; the variable tax rate; Prop 64; the ability to modify taxes with a 2/3 vote; changes as the industry evolves; the feeling that the high revenues will decrease as competition increases; ensuring that fees collected will cover costs to ensure that the process is safe and regulated; odor concerns; the importance of proactive outreach; a suggestion that a moratorium could be necessary to allow staff time to address the many issues; the evolution of neighboring communities; involvement of the Westside Council of Governments; unique circumstances in each community; communication with cities that have already established

policies; regulation of indoor grow businesses; cultivation in private residences; litigation; boundaries and legal issues; monitoring utility bills; fire hazards; public safety issues; larger scale cultivation operations; violations and enforcement; permit requirements; nuisance issues; enacting a butane ban; the cash economy; facility security; strict trash regulations; State regulations; licensing authorities; work with the City of Los Angeles; overlapping borders; a suggestion to create a task force in partnership with a consultant; deadlines and timing of actions; public use of marijuana; concern with people driving after smoking marijuana; limiting use to private residences; and a suggestion that Council Members and representatives from the Planning Commission and Finance Advisory Committee serve on a task force.

MOVED BY COUNCIL MEMBER ERIKSSON, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DIRECT STAFF TO CREATE A TASK FORCE TO REVIEW OPTIONS RELATED TO THE MEDICAL CANNABIS REGULATION AND SAFETY ACT (MCRSA) AND THE ADULT USE IN MARIJUANA ACT (AUMA); AND,
2. DIRECT STAFF TO RETURN WITH A POTENTIAL PLAN FOR MEMBERSHIP OF THE TASK FORCE.

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Item A-2

**CC - (1) Introduction of an Ordinance Adding Chapter §11.18, Polystyrene Regulations to Title 11, Business Regulations, of the Culver City Municipal Code; and (2) Adoption of a Categorical Exemption Relating Thereto, Pursuant to the California Environmental Quality Act (CEQA)**

Mayor Clarke reported that he had worked with Public Works and the City Attorney's office on a proposed an amendment to the ordinance that, if passed, would necessitate a first reading at a subsequent City Council meeting; and he discussed his proposed changes.

Mayor Clarke moved to add language to amend the ordinance. Council Member Eriksson seconded the motion.

Mayor Clarke discussed feasible and economic alternatives available; he displayed two kinds of plastic and asserted that #7 is not recyclable; he discussed his meeting with the Environmental Programs Manager in Manhattan Beach; Fats, Oil and Grease inspections; the complaint driven nature of the process; the fact that no restaurants had applied for exemptions; violations; economically viable alternatives; the efforts of Starbucks to develop a proprietary non-polystyrene lid; identifying recyclable utensils; ensuring that the ordinance is effective; potential exemptions; and providing practical alternatives.

Joe Susca, Senior Management Analyst, provided a summary of the material of record.

Mayor Clarke invited public comment.

The following members of the audience addressed the City Council:

Craig Cadwallader, Surfrider Foundation, expressed concern with last minute changes; thanked Council Member Sahli-Wells for providing a copy of the changes for his review; expressed concern with the use of loose language in the proposed amendment that was subject to broad interpretation; expressed support for the ordinance as it was originally written; and he asserted that the last minute changes were inappropriate, unfair, and weakened the ordinance.

Discussion ensued between Mayor Clarke and Mr. Cadwallader regarding the hardship clause; changes to wording; concern with weakening the intent of the ordinance; previous conversations regarding creating an effective ordinance; businesses that are not in compliance; complaints made in Manhattan Beach; and concern with relying on incomplete information.

David Harford, Surfrider Foundation, expressed gratitude for consideration of the issue; concern with the proposed changes to the exception language; his desire for an effective ordinance; improving public communication; and he offered assistance from the Surfrider Foundation.

Michael Doshi, The Gnarly Beach Cleaner, reported doing plastic pollution sampling in the South Pacific Garbage

Patch; discussed increases in the amount of pollution; and he asserted that the ordinance was rational and logical.

Shea Cunningham, Balanced Approach, felt that the new proposed language was redundant; she asserted that reasonable alternatives are available for everything and the job is to help the businesses identify and source the alternatives; she thanked the City for their work; discussed the positive impacts of the ordinance; a recent Ballona Creek clean-up; visual blight; and water quality.

Sullivan Barth, Culver City High School Ballona Creek Renaissance Club, discussed positive response to the ordinance from the media and the high school; the action as providing positive feedback in approaching City government and the ability of individuals to have an impact on society; the City as a city of progress; optimism in a time when science is being disregarded; and he hoped that the City would follow through on what they started.

Steven Johnson, Heal the Bay, agreed that the new language was unnecessary noting other cities that have more rigorous language; discussed setting an example for other cities; and he expressed support for the original ordinance as written.

Chris Wade, Surfrider Foundation, expressed support for the original ordinance and concern that the proposed new language would create a loophole to allow polystyrene as it is the cheapest material available.

Michelle Weiner thanked staff and volunteers for their work on the ordinance; expressed concern and disappointment with the new language; noted that more people would have been present at the meeting had they known that a change would be inserted at the last minute; discussed the importance of being sensitive to being thrown a left-hook at the last moment noting recent actions of the Federal government; the need to be able to rely on local government; the importance of sanctuary cities; values of residents in the City; help from other cities; and she asked that the City move forward on the ordinance without weakening it.

Jim Lamm, Ballona Creek Renaissance, thanked staff for their efforts; expressed concern with problems caused by

inserting last minute changes; discussed ways to ensure enforcement without hardship on the City; existing alternatives in other cities; the recent Ballona Creek cleanup; and he asked the City Council to see the ordinance through without changes.

Deborah Gregory, Ballona Creek Renaissance, expressed concern with diluting the already crafted ordinance; discussed the recent Ballona Creek cleanup as reemphasizing the problem of polystyrene; the immediate results of the plastic bag ban; and she asked for continuing support on the issue.

Samuel Rodriguez, Recycling Coordinator at Culver City High School, discussed political apathy; the opportunity to be on the forefront of environmental awareness and protection; and he thanked the City for their support of the ban.

Andrew Fish, Surfrider Foundation, discussed the recycled plastic market; sampling the ocean for plastic pollution; and he asked the City to stick with the ordinance that was in place that everyone was expecting to be supporting.

Bianca Botta, Surfrider Foundation, expressed support for the ordinance; discussed plastic in the ocean; regulations to guide businesses and consumers to use cleaner alternatives; expressed concern with new language inserted to allow exemptions; felt there should be costs associated with using products that are bad for the environment; and she hoped that the City would inspire other cities to follow suit by enacting the original ordinance.

Bronwyn Major, Surfrider Foundation, Heal the Bay, and Five Gyres, discussed the amount of trash littering the beaches and waterways; she asserted that pollution should be stopped at its source; discussed plastic smog; expressed support for a ban on single-use plastics; and she noted that there would be a cost at the beginning or at the end and she felt it best to be paid up front.

Sandine Cassidy Schmitt expressed concern that the one added sentence had the power to dilute what is trying to be accomplished; she urged the City Council not to accept the amendment; discussed the harmful effects of polystyrene; noted that #7 is not compostable but can be recycled; discussed the recent Ballona Creek clean up; and

she asked that the City not buckle under pressure from the industry.

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

Neysa Frahette  
Summer Breault  
Warren Wagner  
David Haake

Mayor Clarke read a portion of the original ordinance noting that he felt that the language he was proposing strengthened the ordinance; he noted that no one from Manhattan Beach chose to ask for an exemption; discussed the three restaurants he visited in Manhattan Beach that were not in compliance; expressed concern that restaurants would not ask for an exemption but rather would choose to violate the provisions of the ordinance; he discussed City Manager determination of viable alternatives approved by the City Council; he noted that even if the ordinance is approved there would be another opportunity for public input; the opportunity for the City Council to offer amendments; and the requirement that the City Council approve exemptions.

Discussion ensued between staff and Council Members regarding concern that the two-year process was being undermined by the new language; the need to re-legislate the ordinance every year based on vague language; concern with using unenforceable language; the hardship clause based on proven models in other communities; the application process; uncertainty created by the proposed new language that is disrespectful to businesses; concern with putting the item at the end of the agenda with surprise language; concern with greenwashing; continuing a careful, deliberative process; the appropriateness of amendments introduced in the first reading; ramifications and practicality of the language; the hardship application; City Council input and approval; materials used and recycled by the City; helping businesses with the change; support for the amendment; clarification that the ordinance does not include home polystyrene; exemptions for individuals rather than for products; concern that the amended language makes the process arbitrary and inconsistent; differing business models; annual City Council consideration of all plastics and what is too



expensive; the ability to re-determine the ordinance every year; other models used successfully in 99 California cities; the amount of thought and time that went into the original ordinance; concern with the short amount of time to digest a major change; creating a City-wide exemption rather than an individual exemption; implementation; the intent to cover a few specific items that there may not be reasonably feasible alternatives for; the reality of whether restaurants are going to comply; the lack of alternatives for lids; identifying viable and cost effective alternatives; concern with taking away the hardship clause for businesses; enforcement issues in Manhattan Beach; staff costs; whether people want to solve the problem or just feel good about it; the list of reasonably feasible alternatives; the lack of limitations on the way the amendment is written; respect for differences between restaurants; the application for the hardship clause; the lack of limitations or a defining process with the new language; placing the burden on staff rather than on the applicant; funded outreach and education for businesses; the goal of making it easy for businesses to comply; the mechanism to assure small businesses; concern with creating extra work for staff; re-legislating what was already passed; concern with enforcement and inviting challenges; other ways to achieve the same goals with less uncertainty in the final document; concern that the language was not vetted publicly or properly by staff; changing alternatives over time; clarification that there is not a time period specified for the list of exemptions; the list prepared by the City Manager for approval by the City Council; a suggestion to add the word "annually" to clarify the intent for annual review; whether the process is complaint based; the mechanism for making the change; the process to address issues identified based on input received throughout the year; and a request for clarification on the lid issue.

Craig Cadwallader reported reading every ordinance in the state several times; discussed the alternate lid used by Starbucks; alternatives; rigid polystyrene; comparable alternate products that are the same price; and concern with undermining alternatives to expanded polystyrene foodware.

Discussion ensued between Council Members and Mr. Cadwallader regarding the fact that no one has exercised

the hardship clause; concern with vague language in the amendment; businesses violating the ban; and complaints filed in Manhattan Beach.

Additional discussion ensued between staff and Council Members regarding the ability of the City to recycle #7 plastic products; incorrect information on the website; establishing a list of exempted items; viable alternatives; inserting the word "annually" into the amended language; expandable polystyrene; the current ordinance; a suggestion to add language in #3 to read "Any food service ware item (except expanded polystyrene) that has been determined not have a reasonable feasible alternative due to cost, availability or other factors." A list of such items will be prepared by the City Manager or his or her designee annually and forwarded to the City Council for approval"; concern with ramifications of the added language; whether Culver City needs to do exactly what the other cities have done; making improvements; a feeling that the market will fill the need for alternative products; and additional consideration before the next meeting.

MOVED BY MAYOR CLARKE AND SECONDED BY COUNCIL MEMBER ERIKSSON THAT THE CITY COUNCIL ACCEPT AMENDED LANGUAGE PROPOSED BY MAYOR CLARKE TO THE PROPOSED ORDINANCE ADDING CHAPTER §11.18 POLYSTYRENE REGULATIONS TO TITLE 11, BUSINESS REGULATIONS OF THE CULVER CITY MUNICIPAL CODE RELATING TO POLYSTYRENE FOOD WARE WITH STAFF DIRECTED TO BRING BACK THE ORDINANCE FOR ANOTHER INTRODUCTION.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, ERIKSSON  
NOES: SAHLI-WELLS, SMALL

Council Member Sahli-Wells requested that the minutes reflect that she voted against the new language, not against the original ordinance written by staff.

Discussion ensued between staff and Council Members regarding next steps in the process; a minor change on page 2, item G of the ordinance: clarification regarding the separation of the retail side of a grocery store and the food preparation side of a grocery store; consistency with the City Council vote; allowing the sale of retail-oriented solid polystyrene foodware but not expanded

polystyrene foodware; agreement to add the clarifying language to the ordinance; the inability of the City Council to vote on the original ordinance; City Council support for moving forward with an ordinance that prohibits the use of expanded polystyrene and the regulation of hard polystyrene; and clarification that the action is at the beginning of the process.

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#### **Public Comment - Items Not on the Agenda**

Mayor Clarke invited public comment.

Jeremy Green, Deputy City Clerk, reported that speaker cards had been received but the speakers were no longer present.

Mayor Clarke asked that the speaker cards become part of the public record.

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#### **Items from Council Members**

Council Member Sahli-Wells reported appointment to the Water Resiliency Committee for Los Angeles County as well as the Los Angeles Division of the League of California Working Group for Stormwater Funding Options noting that Culver City is seen as a model in terms of Measure CW.

Council Member Eriksson reported that the Independent Cities Association had started discussions with contract cities to combine efforts for advocacy and other issues to increase strength when going to Sacramento.

Mayor Clarke reported speaking at the Water Education for Latino Leaders in the City of Industry where Culver City was identified as a leader for the passage of Measure CW.

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#### **Adjournment**

There being no further business, at 12:03 a.m., Tuesday, February 14, 2017, the City Council, Housing Authority Board, Parking Authority Board, and Successor Agency to

the Culver City Redevelopment Agency Board adjourned in memory of Katie Shery.

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

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JIM B. CLARKE  
MAYOR of Culver City, California and CHAIR of the  
Successor Agency to the Culver City Redevelopment Agency  
Board, Culver City Parking Authority Board, and Culver  
City Housing Authority Board