

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

September 24, 2018
6:00 p.m.

Call to Order & Roll Call

Mayor Small called the regular meeting of the City Council to order at 6:00 p.m. in the Mike Balkman Chambers at City Hall.

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

The City Council recessed to Closed Session to consider the following item:

CS-1 Conference with Legal Counsel - Anticipated Litigation
Re: Initiation of Litigation - 1 Item
Pursuant to Government Code Section 54956.9 (d) (4)

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Recognition Presentations

Item R-2
(Out of Sequence)

CC - Presentation of a Proclamation Designating September 25, 2018 as "National Voter Registration Day" in Culver City

Gabby Monzon, City Clerk Specialist, presented a video on voter registration and discussed outreach efforts to youth.

Council Member Fisch presented the proclamation.

Aditi Das, Brianna Hacker, Olivia Weiss, and Ben Vizcarra-Barton expressed appreciation for the proclamation.

Aditi Das discussed assisting in voter registration and encouraged other students to do that as well.

Vice Mayor Sahli-Wells reported that before she was old enough to vote, she had assisted in registering people to vote and she encouraged students to take part in the process.

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Item R-1

CC - Presentation of a Proclamation Designating October 3, 2018 as "Clean Air Day" in Culver City

Chris Chavez, Coalition for Clean Air, provided background on the organization and discussed California Clean Air Day.

Council Member Lee presented the proclamation and referenced a story in the Los Angeles Times that reported 87 consecutive bad air days in Los Angeles, noting the importance of working towards cleaner air.

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Regular Session

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

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Invocation/Pledge of Allegiance

Serena Wright-Black, Acting City Manager, led the invocation and the Pledge of Allegiance was led by Andrew Leist.

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Report on Action Taken in Closed Session

Mayor Small indicated nothing to report out of Closed Session.

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Community Announcements by City Council Members/Information Items from Staff

Council Member Lee announced a Community Town Hall at Robert Frost Auditorium offering an opportunity to get to know female leaders in the community.

Council Member Fisch reported attending the Beacon Awards Ceremony to accept awards on behalf of Culver City for Agency Energy Savings and for Sustainable Best Practices Activities; he reported that Professor Manuel Pastor had inscribed his book *State of Resistance* to the City; and he announced Ciclaviva on September 30.

Council Member Eriksson announced being part of the first fully bio-fueled flight from San Francisco to Syria.

Vice Mayor Sahli-Wells encouraged everyone to attend the LA Film Festival through September 28 and she announced the Culver City Arts District Art Walk & Roll Festival on October 6.

Mayor Small announced the passing of Fire Marshal Michael Nagy with a memorial service planned for September 28 at American Martyrs Church in Manhattan Beach noting that donations in lieu of flowers were directed to the Johnson Cancer Center Foundation.

MOVED BY MAYOR SMALL, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF MICHAEL NAGY.

Mayor Small announced the opening of the Robert Frost Auditorium at Culver City High School on September 29 and he thanked the School Board and the School District; he discussed a celebration of the Day of German Unity at the Wende Museum; reported that Ciclaviva was hosted by the LA Philharmonic; and he announced that the LA Philharmonic would be bringing an opera to Sony Pictures in November.

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Presentations

Item P-1

CC - Presentation by Van Scoyoc Associates to the City Council of an Update Regarding the City's Federal Legislative Advocacy Efforts Related to the Noise and Environmental Issues Surrounding the Southern California Metroplex Project

Steve Palmer, Van Scoyoc Associates, discussed the Federal Aviation Administration (FAA) Reauthorization Bill; efforts to address aircraft noise; noise provisions advocated by the subcommittee; he provided background on himself and his firm; discussed advancing the agenda of the City; implementation of the advocacy plan; work with the Quiet Skies caucus; aviation subcommittees; problems faced by Culver City; other issues within the Bill not related to noise; competing interests; integration of the six recommendations from Culver City on the noise issue into the Bill; the Annual Appropriations Bill; different opportunities to advance the agenda; the importance of data; the ongoing noise study; alternatives to measuring; amendments to departure procedures below 600 feet; implementation; interpretation; defining community engagement; appointment of an ombudsman; airport grants; mitigation of noise and pollution; continued review of noise exposure and effect on communities; contracting out to an institution of higher learning to conduct studies; and additional work to be done.

Discussion ensued between Mr. Palmer, staff and Council Members regarding appreciation for the work done by Mr. Palmer; oral arguments on October 18 in Washington; the legislative side; and recognition of Denny Schneider, Chair of the LAX Community Noise Roundtable and June Lehrman, local representative.

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Item P-2

CC - Presentation to the City Council on the Activities of the Baldwin Hills Conservancy

Lloyd Dixon, Baldwin Hills Conservancy, provided background on himself and the relationship between the City and the Conservancy; discussed trust and collaboration; Conservancy funded projects; improvements to quality of life in the City; Board priorities; land acquisition; access to publicly owned property; and transforming Ballona Creek into a benefit to the region and the City.

David McNeill highlighted projects; discussed connectivity; the Park to Playa Trail; the bridge over La Cienega; the habitat component; funding; construction; road closures; ADA access; signage; surveying; parcel information; mapping; encroachment; project development; capturing and treating water at Syd Kronenthal Park; creating a multi-benefit project; Prop 1 funding; storm water; the rain garden on Jefferson; acquisition; clean up; and appreciation to staff for their work.

Discussion ensued between staff and Council Members regarding clarification that the Park to Playa Bridge across La Cienega is also open to bicycles; the fundraiser for Cycle Bar; the Construction Management Plan for the bridge; financing for land acquisition; bonds; water opportunities and preservation; price per acre; permitting; zoning; the land behind West LA College; partnerships; Prop 68; use of land as offsets for cap and trade; brownfield opportunities; mitigation opportunities; the mission to preserve wildlife and habitat; clean energy; the goal to keep the land as open space; investment in communities; SB350; keeping offsets within California closer to the pollution source; and availability of Mr. McNeill to make additional presentations.

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Joint Public Comment - Items Not on the Agenda

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Dr. Janet Hoult reminded everyone about the grand opening of the Robert Frost Auditorium; read an excerpt from *The Road Not Taken* by Robert Frost; discussed National Voter Registration Day on September 25; and she read a poem to remind everyone how important it is to vote.

Josefina Diaz, Excelon Financial Services, provided background on herself; discussed her goal to teach people about wealth management; and she asked to meet with City staff to discuss how her company could be of help to the City.

Vice Mayor Sahli-Wells suggested that Ms. Diaz take a look at the Finance Advisory Committee for ways to become involved in the City.

Len Horowitz, History of Recorded Sound Museum and Foundation, asked for help noting that they could be displaced by changes to ownership and repurposing of the area; he discussed their mission and activities; education and restoration; maintaining the Arts District; trying to keep the Foundation in the City; the difficulty of re-opening once it is closed; and he invited everyone to come out to the Arts District Walk & Roll Festival on October 6.

Discussion ensued between Council Members and Mr. Horowitz regarding the General Plan Update; figuring out what the City wants to be; benefits to the local community; suggestions to try to retain the Museum; finding the right person to approach at large companies in the City related to sound; the Arts District Business Improvement District (BID); and issues that arise as buildings get sold.

Mary Daval, Bike Culver City and Women on Bikes, discussed the Sustainability Booth at Fiesta La Ballona; read responses to survey questions inquiring what would encourage people to ride bicycles more often in Culver City; and she noted that voices requesting more bike lanes should be heard.

Dorothy Sadd discussed a recently built house on Wesley Street that seemed to violate code and get in the way of participation in the traffic project; she questioned whether the project had been built to plan; noted the opportunity to highlight the steps to get something approved; she reported that since the house was planned to code there had been no meeting; she expressed hope that the issue would be resolved;

and she discussed the National Traffic Management Plan (NTMP) project.

Mayor Small thanked Ms. Sadd for participating in the NTMP project.

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Receipt and Filing of Correspondence

Jeremy Green, City Clerk, reported receipt of one email for Items Not on the Agenda, one email for Item A-1, six for Item A-2 and one for Item A-3.

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

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Order of the Agenda

No changes were made.

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Consent Calendar

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

Item C-1

CC:HA:SA - Approval of Cash Disbursements

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR SEPTEMBER 1, 2018 TO SEPTEMBER 14, 2018.

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Item C-2

CC:HA:PA:SA - Approval of Minutes for the Regular City Council Meetings on August 27, 2018 and September 11, 2018

THAT THE CITY COUNCIL APPROVE OF MINUTES FOR THE REGULAR CITY COUNCIL MEETINGS ON AUGUST 27, 2018 AND SEPTEMBER 11, 2018.

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Item C-3

CC: (1) Adoption of a Resolution of Intention to Vacate Air Rights over a Portion of La Cienega Boulevard, for the Purpose of a New Pedestrian Bridge for the Park to Playa Trail Project, and Setting a Public Hearing Date of November 12, 2018, Pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and (2) Approval of a Memorandum of Understanding among the City of Culver City, the County of Los Angeles, and the Baldwin Hills Regional Conservation Authority Regarding the Construction and Maintenance of the Trail and Pedestrian Bridge

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION OF INTENTION TO VACATE AIR RIGHTS OVER A PORTION OF LA CIENEGA BOULEVARD, FOR THE PURPOSE OF A NEW PEDESTRIAN BRIDGE FOR THE PARK TO PLAYA TRAIL PROJECT, AND SETTING A PUBLIC HEARING DATE OF NOVEMBER 12, 2018, PURSUANT TO CHAPTER 3, PART 3, DIVISION 9 OF THE STREETS AND HIGHWAYS CODE; AND
2. APPROVE MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF CULVER CITY, THE COUNTY OF LOS ANGELES, AND THE BALDWIN HILLS REGIONAL CONSERVATION AUTHORITY (BHRCA) REGARDING THE CONSTRUCTION AND MAINTENANCE OF THE TRAIL AND PEDESTRIAN BRIDGE; 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

CC: Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Right-of-Way to Install 113 Feet of Fiber Optic Cable Starting at the Westerly Side of Green Valley Circle and Crossing the Roadway to Provide Service to 6666 Green Valley Circle

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE FOR USE OF THE PUBLIC RIGHT-OF-WAY TO INSTALL 113 FEET OF FIBER OPTIC CABLE STARTING AT THE WESTERLY SIDE OF GREEN VALLEY CIRCLE AND CROSSING THE ROADWAY TO PROVIDE SERVICE TO 6666 GREEN VALLEY CIRCLE; AND,
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 Time Warner Cable for Use of the Public Right-of-Way to Install 377 Feet of Fiber Optic Cable Starting in the Alley South of 11138 Venice Boulevard and Running Westwards, Crossing Sepulveda Boulevard and Ending in the Alley at 3817 Sepulveda Boulevard

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE FOR USE OF THE PUBLIC RIGHT-OF-WAY TO INSTALL 377 FEET OF FIBER OPTIC CABLE STARTING IN THE ALLEY SOUTH OF 11138 VENICE BOULEVARD AND RUNNING WESTWARDS, CROSSING SEPULVEDA BOULEVARD AND ENDING IN THE ALLEY AT 3817 SEPULVEDA BOULEVARD; AND,
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 Amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.300.025 - Height Measurement and Height Limit Exceptions, Relating to the Standards and Requirements for Height Projections (Zoning Code Text Amendment, P2018-0124-ZCA)

THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING CODE AMENDMENT P2018-0124-ZCA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.300.025 - HEIGHT MEASUREMENT AND HEIGHT LIMIT EXCEPTIONS.

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Item C-7

CC: Adoption of a Resolution Approving the Final Map for Tract Number 65473 Consisting of a Subdivision Creating One Parcel for Condominium Purposes for Commercial/Retail and Residential Use, at 12803 Washington Boulevard

THAT THE CITY COUNCIL: ADOPT A RESOLUTION APPROVING FINAL TRACT MAP NO. 65473 CONSISTING OF A SUBDIVISION CREATING ONE PARCEL FOR CONDOMINIUM PURPOSES ON 24,022 SQUARE FEET FOR PROPOSED RETAIL/COMMERCIAL SPACE AND RESIDENTIAL UNITS AT 12803 WASHINGTON BOULEVARD.

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Item C-8

CC: (1) Approval of a Proposed Budget Amendment to Appropriate \$50,000 in Parks Facilities (419) Funds for the Culver City Park to Playa - Ballona Creek Connection ADA Accessible Extension Project, PZ-551 and Culver City Interpretive Nature Trail Repair; and, (2) Approval of a \$50,000 Increase in the Public Works Director/City Engineer's Change Order Authority for the Culver City Park to Playa - Ballona Creek Connection ADA Accessible Extension Project, PZ-551 and Culver City Interpretive Nature Trail Repair Project

THAT THE CITY COUNCIL:

1. APPROVE A PROPOSED BUDGET AMENDMENT TO APPROPRIATE \$50,000 IN PARKS FACILITIES (419) FUNDS FOR THE CULVER CITY PARK TO PLAYA - BALLONA CREEK CONNECTION ADA ACCESSIBLE EXTENSION PROJECT, PZ-551 AND CULVER CITY INTERPRETIVE NATURE TRAIL REPAIR PROJECT (BUDGET AMENDMENT REQUIRES A 4/5THS VOTE); AND,
2. APPROVE A \$50,000 INCREASE IN THE PUBLIC WORKS DIRECTOR/CITY ENGINEER'S CHANGE ORDER AUTHORITY FOR THE FOR THE CULVER CITY PARK TO PLAYA - BALLONA CREEK CONNECTION ADA ACCESSIBLE EXTENSION PROJECT, PZ-551 AND CULVER CITY INTERPRETIVE NATURE TRAIL REPAIR PROJECT.

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Item C-9

CC: Approval of a Purchase Order with The Quinn Company for Caterpillar Loader Truck Refurbishment in an Amount Not-to-Exceed \$99,000

THAT THE CITY COUNCIL:

1. APPROVE A PURCHASE ORDER WITH THE QUINN COMPANY FOR REFURBISHMENT OF A CATERPILLAR LOADER TRUCK IN AN AMOUNT NOT-TO-EXCEED \$99,000, INCLUDING ALL FEES AND TAXES; AND,
2. AUTHORIZE THE PURCHASING OFFICER TO ISSUE SUCH PURCHASE ORDERS.

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Public Hearings

None.

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Action Items

Item A-1

CC - Adoption of an Urgency Ordinance Amending Section 11.17.115.A.5.a of Chapter 11.17 of the Culver City Municipal Code Clarifying When a Sensitive Receptor is Considered "In Existence" for the Purpose of Storefront Retail Cannabis Business Permitting (Four-Fifths Vote Required)

Jesse Mays, Assistant to the City Manager, provided a summary of the material of record.

Lisa Vidra, Senior Deputy City Attorney, discussed the Neighborhood Compatibility Plan; due diligence by the applicant to understand the neighborhood; protection of the location through the application process; the deadline; and the Urgency Ordinance.

Discussion ensued between staff and Council Members regarding differences in language between the staff report and the ordinance; sensitive receptors; submitted applications vs. accepted applications; and completed applications.

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Pamela Epstein, Greenwise Companies, provided background on herself and her company; discussed her involvement in the City process; defining the application window; applicant investment into the City application process; efforts to comply; concern that the applicant could start the 60-day window with a compliant property that becomes non-compliant before the application is received; the official point of notice; the first come, first served submission process; unfair discrimination by unknown and arbitrary cut off dates; confusing information on the City website; the cannabis notification listserv; inclusion of additional sensitive uses; sensitive use receptors that are planning to cease operation or relocate prior to the storefront operation opening; allowing private parties to negotiate around regulations that could create an inefficient result; sensitive use receptors that consent to the presence of a storefront retailer or applicant if they engage in community efforts; freedom of choice in accommodating different situations; and she recommended that the Urgency Ordinance be redrafted to set the time for the application window.

Jeff Ferro, United Workers International Union, expressed agreement with comments made by the previous speaker; noted increases to real estate prices; difficulty in finding suitable property; he wanted to see protections for investments applicants are making in the community; and he felt that the date used should be the date that the application process is opened.

Jesse Mays, Assistant to the City Manager, discussed concern with creating significant problems for sensitive receptors; sensitive receptors currently in existence; those who have opened within the last two months; fairness; concern with making policy retroactively; the date of the application window; clarification that the City does not know the location of any business until the application is submitted to the City; wording and time points chosen; the period when the City is first notified that a certain use wants to go to a certain site; establishment of leases; filing of business tax permits; fairness to cannabis businesses; the chances of recouping investment in the application process; knowledge of the risk involved; and money spent with the understanding that a sensitive receptor could go in next door.

Discussion ensued between staff and Council Members regarding resources being expended by other businesses in the City; fairness; inherent risk; profit potential; notification to surrounding sensitive receptor businesses that could be exploring the area within a certain radius; publicizing addresses where a permit has been applied for; clarification that sensitive receptors are not prohibited from locating near a dispensary; ensuring fairness in the process; thorough vetting of the businesses; the deadline; appreciation for the comments made; clarification that the list of sensitive receptors is not legally binding; due diligence; clarification that no applications are processed until they are complete; inserting the word completed before the word application for clarity; back and forth between staff and applicants in the process; and minimum requirements.

MOVED BY COUNCIL MEMBER ERIKSSON, SECONDED BY COUNCIL MEMBER LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT AN URGENCY ORDINANCE AMENDING CULVER CITY MUNICIPAL CODE SECTION 11.17.115.A.5.A PERTAINING TO SENSITIVE RECEPTORS FOR CANNABIS RETAIL STOREFRONT BUSINESSES WITH THE EDITORIAL CHANGE OF ADDING COMPLETED BEFORE THE WORD APPLICATION.

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Recess/Reconvene

Mayor Small called a brief recess from 8:50 p.m. to 9:00 p.m.

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Item A-2

CC - (1) Provide Direction to Staff Regarding Which Traffic Calming Measure to Install on Colonial Avenue, 120 feet north of Washington Boulevard, in order to Minimize Traffic on Colonial Avenue from the Market Hall development; and (2) Authorize a nine-month Trial Installation of Option 2 (Modified Cul De Sac) if that Option is Selected

Gabe Garcia, Transportation Director, provided a summary of the material of record.

Discussion ensued between staff and Council Members regarding adding Keep Clear signage at the north end of Colonial at Washington Place; clarification on Advisory Survey results; email responses; the desire for feedback from Wasatch residents on the diverter; those who do not want any change at all; traffic impacts by the cul de sac; the study conducted by the developer; increased daily trips; and growth over time.

John Nehas, Regency Centers, discussed existing conditions at the time of the traffic analysis; impacts generated from the project; anticipated impacts with a full closure; and normal growth.

Discussion ensued between staff and Council Members regarding No Outlet signage during the trial period, and finding a solution to concerns regarding westbound traffic turning left to Colonial.

Mayor Small invited public input.

The following member of the audience addressed the City Council:

Andrew Donnelly expressed support for the modifications; indicated that he was not aware that there would be a trial period; discussed approval of the diverter; lack of involvement by residents on Wasatch; and the need to resolve issues getting in and out of the area.

Susanna Fattorini thanked Council Members for their responsiveness and the developer for his clarification regarding the street closure; discussed the community meeting in June; automated bollards; the video that encourages people exiting the Market Hall to travel the alley that leads to Wasatch; she pointed out that the traffic study did not

reflect increased traffic on Wasatch; and she noted that both options would affect traffic on other streets and that was not reflected in the study.

Ted Atkatz pointed out that Wasatch is a wider street than Colonial; discussed children on the street; the cut-through nature of the street; support for the full closure; and he suggested that a closure of Wasatch could be explored if traffic is increased too much.

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

Diane Black

Discussion ensued between staff and Council Members regarding other streets in the area that were not engaged; the semi-diverter; the 9 month trial; the modified cul de sac; timing of the 9 months; coordination with the developer; the construction schedule; concern with unintended consequences; clarification on what constitutes a significant impact; mitigation triggers; traffic counts collected during the trial period; mitigations if impacts are determined on other streets; City Council adoption of NTMP to explore solutions with the community; required participation; direct impacts; balancing traffic in a reasonable way for everyone; the driveway created by the developer; unanticipated consequences; creating a domino effect; concern with conducting the trial before the Market Hall is open; support for the diverter; consequences of the modified cul de sac; preventing traffic conflicts; answers revealed through the testing process; the way other cities address traffic issues; safety; cut-through streets; ensuring that the trial period is not done during the holidays; a suggestion to have the trial take place during the construction process; putting in a temporary driveway to facilitate a trial; leaving tricycles near the curb to alert drivers that children are nearby; behavior modification; managing expectations; acknowledging existing conditions; the opportunity to make the neighborhood safer sooner rather than later; questions and feedback generated by the staff report; changing behavior prior to opening; easing stakeholders and residents into behavioral change; overlap; extending the trial period; agreement for a trial period not limited to 9 months; staff agreement to query Colonial Avenue residents and consult the developer regarding the construction schedule with a report back to the City Council; and a suggestion to have the item return as a Consent Item if it is non-controversial.

MOVED BY MAYOR SMALL, SECONDED BY VICE MAYOR SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: AUTHORIZE A TEMPORARY TRIAL INSTALLATION OF A MODIFIED CUL DE SAC TRAFFIC CALMING MEASURE ON COLONIAL AVENUE, 210 FEET NORTH OF WASHINGTON BOULEVARD IN ORDER TO MINIMIZE TRAFFIC ON COLONIAL AVENUE FROM THE MARKET HALL DEVELOPMENT AND EVALUATE THE TRAFFIC VOLUME CHANGES ON COLONIAL AVENUE, WASATCH AVENUE, AND BOISE AVENUE, AND RETURN TO THE CITY COUNCIL TO PRESENT THE RESULTS, AND TO OBTAIN FURTHER DIRECTION.

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Item A-3

CC - Approval of a Voluntary Collection Agreement (VCA) with Airbnb for the Collection of Transient Occupancy Tax (TOT) on Short Term Rentals

Jesse Mays, Assistant to the City Manager, provided a summary of the material of record and he read a correction into the record, agreed to by Airbnb, removing the word reasonably on page 2, section C, Remittance of TOT: "Airbnb agrees to report aggregate information on the tax return form proscribed by the City including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all TOT that is subject to the provisions of this agreement."

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Gillian Clark expressed support for the TOT; appreciation for improvements to the City; and she asked that the City not take her income away from her.

David Rusch provided background on himself; expressed support for those trying to maintain a place to live in Culver City; discussed keeping residents in mind when making regulations; real estate investors; and working with the City to establish reasonable and enforceable regulations that benefit neighborhoods, long-term renters, current residents and the City itself.

Robert Zirgulis, Short Term Rental Owners Association, expressed support for the TOT; wanted to see TOT revenue put toward the conversion of hotels into affordable housing;

indicated that he had been reporting his income as part of his business license; questioned whether he would be taxed twice; and asked whether a business license is needed for short term rental units.

Maria Stone noted that she used short term rentals as a way to stay in the City; discussed support of local businesses by short term renters; expressed support for the TOT; and she wanted to see Airbnb continue.

Penny Brill reported results from the vote at the meeting on Thursday night between the neighbors and Airbnb hosts to approve rentals 365 days per year; she felt that hosting was beneficial to people and the City; asserted that Airbnb makes housing affordable; and she expressed support for the TOT tax.

Sophie McLean discussed community and expressed support for Airbnbs and for the TOT.

Jeremy Green, City Clerk, read comments submitted by:

Nikkia Sipes

Discussion ensued between staff and Council Members regarding the business permit requirement; short term residential rentals vs. long term rentals; clarification that HomeAway was not currently interested in pursuing a VCA with Culver City; the small market share of HomeAway; monitoring changes in the marketplace; allotment of funds in the VCA; timeline for the creation of a draft ordinance; concern with clarifying the position of the City; the fact that the activity is not permitted, has not been enforced and now revenue is being collected; TOT that has been due the whole time; clarification that the agreement does not waive the rights of the City to collect previous taxes; City Council direction; the community meeting; strategies for monitoring over time; identity of hosts; compliance; moving forward with regulation; tracking; limits; auditing; regulating non-tax related measures; challenges; specialty consultants; protection of users and data; requiring business licenses; clarification that operators would not be taxed twice; allocating a portion of revenue to affordable housing and homeless services; funding for enforcement; concern with fairness in not pursuing agreements with other short term rental platforms; the importance of consistency; selective enforcement; clarification that the agreement does not excuse hosts from paying taxes on bookings done through other platforms;

clarification that the City has not waived their right to collect taxes; and the ultimate responsibility in the regulations on the host.

John Choi, Airbnb, indicated that they were excited to partner with the City; discussed simplification of the process; partnerships with cities around the world; voluntary participation by Airbnb; costs to the company; concerns from hosts about being put at a disadvantage; competitiveness; willingness to help reach goals; differentiating between responsible platforms; different ways to address issues on the platform; the Neighbor Tool; party houses; terms and services related to activity on the platform; community standards in order to participate in the platform; discrimination; neighborhood disturbances; and regulations.

Discussion ensued between staff and Council Members regarding continued work on unresolved issues with the subcommittee; Code Enforcement; affordable housing concerns; eviction issues; and renter protection.

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

1. APPROVE A VOLUNTARY COLLECTION AGREEMENT WITH AIRBNB FOR THE COLLECTION OF TRANSIENT OCCUPANCY TAX ON SHORT TERM RENTALS AS AMENDED; 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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Public Comment - Items Not on the Agenda

Mayor Small invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

Vice Mayor Sahli-Wells reported attending the Climate Action

Summit.

Council Member Eriksson announced the installation of the new board for the Independent Cities Association on September 27 noting that he would become Treasurer.

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Council Member Requests to Agendize Future Items

None.

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Adjournment

There being no further business, at 10:47 p.m., the City Council, Successor Agency to the Culver City Redevelopment Agency Board, and Culver City Housing Authority Board adjourned in memory of Fire Marshal Mike Nagy to October 8, 2018.

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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

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