

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

February 22, 2021
5:30 p.m.

Call to Order & Roll Call

Mayor Fisch called the regular meeting of the City Council to order at 5:31 p.m. in the Mike Balkman Chambers at City Hall via Virtual Webex.

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

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Mayor Fisch invited public comment.

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

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL, RECESS TO CLOSED SESSION.

Closed Session

At 5:32 p.m. the City Council adjourned to Closed Session to consider the following Closed Session Item:

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

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Reconvene

Mayor Fisch reconvened the meeting of the City Council at 6:47 p.m. with all Council Members present.

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Recognition Presentations

Item R-1

Presentation of a Proclamation Recognizing World Cancer Day and the Work of the Leukemia & Lymphoma Society

Jeremy Green, City Clerk, presented the Proclamation Recognizing World Cancer Day and the Work of the Leukemia and Lymphoma Society, and she thanked Meredith Gonzalez and Sophia Miller for their efforts.

Sophia Miller thanked the City Council for the recognition; discussed her connection with the Leukemia and Lymphoma Society; and ways to support the community working to help battle blood cancer.

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Recess

Mayor Fisch recessed the meeting of the City Council at 6:53 p.m. until the regular session of the City Council at 7:00 p.m.

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Regular Session

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

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Pledge of Allegiance

Mayor Fisch led the Pledge of Allegiance.

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Closed Session Report

Mayor Fisch indicated nothing to report out of Closed Session.

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Community Announcements by City Council Members/Information Items from Staff

Council Member Eriksson discussed the recent Independent Cities Association (ICA) Winter Seminar; he thanked Culver City Police Department (CCPD) Chief Manny Cid for his participation in the Emergency Operations Center Panel, and other CCPD staff for their presentation on efforts to implement the Racial and Identity Profiling Act (RIPA); discussed the state mandate to implement RIPA; identification of racial bias; valuable information from the conference; and he encouraged others to attend the next conference.

Council Member Vera asked that the meeting be adjourned in memory of Dennis Shapiro, father of Rabbi Zach Shapiro at Temple Akiba; he discussed attending the ICA seminar; asked that the City Council agendize a presentation on pallet shelters which provide inexpensive housing and are being used in Redondo Beach; he discussed the recent Economic Development Subcommittee meeting; and signage at the Culver Steps.

Vice Mayor Lee reminded everyone to vote in the special election on March 2.

Mayor Fisch announced that the Culver City Sister City Committee would be honoring the first Sister City in Uruapan, Mexico on February 28.

Council Member McMorris encouraged everyone to apply for open positions on City Commissions, Boards and Committees.

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CC - COVID-19 Update

Ken Powell, Fire Chief and Current Emergency Operations Center Director, provided an update on efforts to address challenges and issues related to COVID-19; he acknowledged the more than 500,000 lives lost to the COVID-19 pandemic; reported that numbers were declining, but urged everyone to continue to be vigilant; he encouraged everyone to get vaccinated; discussed the adjusted case rate for Los Angeles county; on-site learning at schools; state and county directives; the decision of the school district or school as to whether they reopen for TK-6th grade; efforts of the Culver City Unified School District (CCUSD) to return to campus; vaccination allocation guidelines; and he indicated that information was available at www.vacinate.lacounty.com, www.culvercity.org, or by calling (833) 540-0473 for those without internet or with physical disabilities.

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Joint Public Comment - Items NOT on the Agenda

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Debbie Weiss provided background on herself; discussed difficulty renewing her business license; assistance from staff and from the Downtown Business Association; other businesses that had issues with the company handling business license renewal; and she asked that the City Council launch an investigation into the business practices of Hinderliter de Llamas & Associates (HdL).

Council Member Vera asked that Ms. Weiss email him about the issue as he also experienced difficulties, and staff agreed to investigate the issue and report back.

Robert Zirgulis was called to speak but did not respond.

Darryl Cherness spoke on behalf of United Food and Commercial Workers Union Local 1442 regarding essential food and medicine provided by workers; he felt that grocery and drug store workers should receive additional compensation for the risks they face daily; he discussed other jurisdictions that have adopted hazard

pay ordinances to provide additional short-term emergency compensation; profits made during the pandemic; and he asked the City Council to adopt an ordinance using the City of Los Angeles as a template.

City Council consensus was achieved to agendaize consideration of a "Hero Pay" ordinance to provide additional compensation to grocery workers, retail workers and front-line workers at Southern California Hospital (SCH).

Leah Pressman read a statement for Paula Amezola, CCUSD School Board Member, urging the City Council to take immediate action regarding vaccine allocation; she discussed other areas that were already vaccinating teachers; and she noted the importance of protecting children.

Discussion ensued between staff and Council Members regarding the ability of the City to affect the vaccine and rollout; the county and state health departments; limited quantities of the vaccine available; difficulties with disbursement; and the choice to provide second doses before offering additional first doses.

Zach Rabi was called to speak but did not respond.

Robert Jan van de Hoek provided background on himself; offered to lead a tour the Ballona Wetlands; discussed Ballona Creek Renaissance; the Culver Marina League; wildlife in the area; and maximizing trees in the City.

Maky Peters, SEIU United Healthcare Workers, provided background on the organization; discussed major infrastructural issues at Southern California Hospital (SCH) in Culver City; enforcement agencies; concern that issues are not being addressed; staff and patient safety; appreciation to Council Member McMorris and Vice Mayor Lee for their letters of support; and she asked that the rest of the City Council let SCH executives know that the situation is unacceptable in Culver City and that meaningful steps should be taken to rectify the issue.

Larhonda Smith sounded the alarm around the safety and quality of patient care in the SCH; discussed substandard working conditions; leaks during the rain; broken COVID barriers; failure to notify staff when exposed; negative effects to patient outcomes and the ability to care for them properly; she asserted that basic standards were not being met because of private interests who manage and profit from the hospital; and

she thanked Vice Mayor Lee and Council Member McMorris for sending a letter to the CEO of the hospital to address issues, and she asked the remaining Council Members to join them in sending a letter.

Jacob Manesh provided background on himself; discussed pressing issues at SCH; concerns with safety and declining quality of patient care; substandard working conditions; the flooded basement of the hospital; leaking pipes; broken elevators and other ongoing issues; unacceptable conditions; he thanked Vice Mayor Lee and Council Member McMorris for sending a letter to the CEO of the hospital to address issues, and he asked the remaining Council Members to join them in sending a letter.

Discussion ensued between staff and Council Members regarding effectiveness of the letters sent to date and other entities contacted.

Robert Zirgulis, Culver City Kennedy Democrats, discussed statements made by Vice Mayor Lee; the attitude of Council Members regarding CCPD; and he requested an apology from Vice Mayor Lee for remarks made about CCPD.

Mayor Fisch indicated that no apologies would be forthcoming.

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Receipt and Filing of Correspondence

Mayor Fisch expressed hope that everyone had been able to review the attachments regarding the Commercial Tenant Eviction Moratorium (CTEM).

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIS 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 VERA, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1 THROUGH C-7.

Item C-1

CC:HA:SA - (1) Approval of Cash Disbursements for January 30, 2021 to February 12, 2021

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR JANUARY 30, 2021 TO FEBRUARY 12, 2021.

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Item C-2

CC:HA:SA - Approval of Minutes for the Special Joint City Council and Planning Commission Meeting of January 27, 2021, the Special City Council Meeting of February 1, 2021, and the Regular Consolidated City Council Meeting on February 8, 2021

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE MINUTES FOR THE SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING OF JANUARY 27, 2021, THE SPECIAL CITY COUNCIL MEETING OF FEBRUARY 1, 2021, AND THE REGULAR CONSOLIDATED CITY COUNCIL MEETING ON FEBRUARY 8, 2021.

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Item C-3

CC - Adoption of a Resolution Confirming the January 26, 2021 Thirty-Third Supplement to Public Order (Lifting of Regional Stay at Home Order and Returning to Blueprint for a Safer Economy County Health Officer Order, with Revisions; Extension of Limit on Third Party Food Delivery Service Fees to March 31, 2021; Extension of 50% Reduction of Monthly Parking Fees in City Owned Surface Parking Lots and Parking Structures) Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Due to the Coronavirus Respiratory Disease (COVID-19) Pandemic

THAT THE CITY COUNCIL: ADOPT A RESOLUTION CONFIRMING THE JANUARY 26, 2021 THIRTY-THIRD SUPPLEMENT TO PUBLIC ORDER (LIFTING OF REGIONAL STAY AT HOME ORDER AND RETURNING TO BLUEPRINT FOR A SAFER ECONOMY COUNTY HEALTH OFFICER ORDER, WITH REVISIONS; EXTENSION OF LIMIT ON THIRD PARTY FOOD DELIVERY SERVICE FEES TO MARCH 31, 2021; EXTENSION OF 50% REDUCTION OF MONTHLY PARKING FEES IN CITY OWNED SURFACE PARKING LOTS AND PARKING STRUCTURES) ISSUED BY THE CITY MANAGER, AS DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, DUE TO THE CORONAVIRUS RESPIRATORY DISEASE (COVID-19) PANDEMIC.

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Item C-4

CC - Adoption of an Ordinance Amending the Culver City Zoning Map, as Referenced in Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.200.015 - Zoning Map (P2019-0291-ZCMA), to Change the Zoning Designation from Industrial General (IG) to Commercial General (CG), to Allow the Construction of a 5-Story Mixed-Use Development, Consisting of 12 Dwelling Units, 6,820 Square Feet of Commercial Space, and Subterranean Parking at 3727 Robertson Boulevard (Project)

THAT THE CITY COUNCIL: ADOPT AN ORDINANCE APPROVING A ZONING CODE MAP AMENDMENT, P2019-0291-ZCMA, SUBJECT TO CONDITIONS OF APPROVAL SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 2020-P016, FOR THE CONSTRUCTION OF A 5-STORY, 12-UNIT MIXED-USE DEVELOPMENT.

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Item C-5

CC - Adoption of a Resolution Approving a General Services Agreement with the County of Los Angeles for the Period July 1, 2021 through June 30, 2026

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE PERIOD JULY 1, 2021 THROUGH JUNE 30, 2026; 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-6

CC - 1) Approval of a 12-Month Extension of the New Programming for Culver Current, a Temporary Artwork in City Hall Courtyard; and 2) Approval of an Amendment to the Existing Professional Services Agreement with Nate Mohler in an Amount Not-To-Exceed \$48,000

THAT THE CITY COUNCIL:

1. APPROVE A 12-MONTH EXTENSION OF THE NEW PROGRAMMING FOR CULVER CURRENT; AND,

2. APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH NATE MOHLER IN AN AMOUNT NOT-TO-EXCEED \$48,000; 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-7

CC - Adoption of an Ordinance Amending Culver City Municipal Code (CCMC), Title 17: Zoning (Zoning Code), Sections 17.220 - Commercial Zoning Districts, 17.320 - Off-Street Parking and Loading, and 17.700 - Definitions, to Establish "Extended Stay Hotel" as a Category of Hotel/Motel Land Uses (P2019-0058-ZCA)

THAT THE CITY COUNCIL: ADOPT THE PROPOSED ORDINANCE, AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17: ZONING (ZONING CODE), SECTION 17.220-COMMERCIAL ZONING DISTRICTS, 17.320 - OFF-STREET PARKING AND LOADING, AND 17.700 - DEFINITIONS, TO ESTABLISH "EXTENDED STAY HOTEL" AS A CATEGORY OF HOTEL/MOTEL LAND USES (P2019-0058-ZCA).

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Item C-8

CC - Receipt and Filing of FY2020/2021 1st Quarter Measure CC and C Sales Tax Status Reports as Approved by the Finance Advisory Committee

Discussion ensued between staff and Council Members regarding Amazon; Best Buy; online sales vs. sales at physical locations; Department of Motor Vehicle (DMV) allocation; projections; actual numbers; and HdL.

MOVED BY COUNCIL MEMBER MCMORRIN, SECONDED BY VICE MAYOR LEE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: RECEIVE AND FILE THE MEASURE CC AND C SALES TAX STATUS REPORTS.

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Public Hearings Items

None.

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Action Items

Item A-1

CC - (1) Discussion of a Resolution to Support Action for a State Study of the Feasibility of Closing the Playa del Rey Natural Gas Storage Facility Located at 8141 Guiana Avenue in Playa del Rey, CA 90293; and (2) Direction to the City Manager as Deemed Appropriate

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

Mayor Fisch invited public comment.

The following members of the public addressed the Committee:

Patricia McPherson, Grass Roots Coalition, provided background on the organization; discussed their efforts in the process; support for the resolution for the state feasibility study; the need to do a study including the decommissioning of the site itself; problems associated with the field; the decommissioning study done by Southern California Gas; costs to decommission the site; acknowledgement of contamination below ground; the actions of the city of Los Angeles; and she expressed support

for statements from Dr. Tom Williams about other key issues to address in the study.

Walter Lamb was called to speak, but did not respond.

Mike Harriel, Southern California Gas Company, noted that the facility helped the City rather than negatively impacting it; discussed a letter submitted to the City Manager; the importance of the Playa del Rey storage facility; low temperatures in the mid-west; he asked to be allowed to provide an in-depth presentation on storage operations before the City takes a position; and he noted inaccuracies in the resolution.

Khin Khin Gyi discussed the unplanned natural gas release from the Playa del Rey facility in January 2013; calls for the facility to be shut down; a gas well explosion in January 2019; and she felt that the closure of the facility would be in the best interests of the community.

Marcia Hanscom, Sierra Club Angeles Chapter and Ballona Wetlands Restoration Committee, discussed inaccuracies from Southern California Gas; unpermitted billboards indicating that the Ballona Wetlands were being helped by moving the drilling wells; the gas storage facility underneath the Ballona Wetlands; the need to move away from fossil fuels; climate change; the Playa del Rey blow up; age and type of the facility; customers served by the facility; she pointed out that Culver City is in the evacuation zone if an explosion similar to what happened at Aliso Canyon were to take place; and she wanted to see the City Council consider Mike Bonin's resolution from the city of Los Angeles.

Jane Velez-Mitchell urged the City Council to support the closure the storage facility in Playa del Rey; discussed the importance of the Ballona Wetlands; the underserved Latino community; access to greenspace; unnecessary destruction; adding chaos to the overdeveloped area; access to the natural resource; the desire of Southern California Gas to upgrade their aging infrastructure; the Aliso Canyon Disaster; the gas smell in the area; concern with habitat destruction; the gentle restoration plan; defendballonawetlands.org; Flood Risk Standards; the Final Environmental Impact Statement; and she asked that the City Council oppose the efforts of Southern California Gas.

Ethan Senser discussed dangers posed by gas facilities; the Aliso Canyon Gas Disaster; health issues; day-to-day risks; the

actual number of methane leaks; the history of flares, leaks and violations; the shutdown in 2011; concerns voiced by the community regarding health; allowing Southern California Gas to play the energy market; long-term solutions; and he asked the City Council to support creation of a transition plan for closing the site.

Disa Lindgren discussed the importance of City Council support for closure of the facility; impacts on the Ballona Creek Wetlands; public safety and public health; the regional watershed; the proposal to drill new wells; she cited page 259 of the attachment outlining the process to drill replacement gas wells; approval of new gas wells to make a phase-out of all operations less likely; and she stated that closing the facility was in the public interest.

Robert Jan van de Hoek was called to speak but did not respond.

Nancy Barba provided background on herself, expressed support for a resolution to take action on a state study with a plan to ensure that the state knows that the proposed upgrades would only increase investment to stranded natural gas assets; discussed showing support for shutting the facility down; and concern with having another Aliso Canyon.

Suzanne DeBenedittis discussed risks associated with the natural gas facility in Playa del Rey; recent Environmental Impact Reports; she noted that Texas officials had not prioritized the needs of their residents; discussed the need to prohibit more gas pipelines; state reach codes for electrification; and she asked the City to support Mike Bonin's plan to phase out the facility and create green jobs rather than re-energizing the site.

Leslie Purcell encouraged Culver City to move forward with the feasibility study and potential shutting down of the Playa del Rey storage field; discussed the work of Culver City on the Inglewood Oil Field; leakages; jurisdiction; climate impacts of having the gas storage facility; the imperative to reverse climate change; sea level rise; more positive ways to use, create and store energy; restoration of the Ballona Wetlands involving community members; the importance of getting Southern California Gas out of there; the bluff; and support from the local Tongva peoples.

Jeanette Vosburg was called to speak but did not respond.

Michelle Weiner, Clean Break Sierra Club, spoke on behalf of herself; expressed support of the resolution as a first step to close the facility; discussed the work of the Grass Roots Coalition and residents to sound the alarm about the dangerous facility; and the need for a just transition for clean energy moving forward.

Robert Jan van de Hoek provided background on himself; urged the City to support the closure of the Playa del Rey gas field; he discussed effects to Culver City; terminology; transportation and storage of the gas; profits; he clarified that other states and cities buy gas as needed rather than storing it; discussed hazards of storage and extraction; contamination; hazardous waste; transportation of toxins to the San Joaquin Valley; and benefits to endangered species if the gas field is closed.

Dr. Clyde Thomas Williams, Citizens Coalition for a Safe Community and the Sierra Club Angeles Chapter, discussed the need for full documentation available online; the Aliso Canyon blow-out; the Montebello Gas Storage facility; documents submitted to the state; abandoned wells; he reported submitting written comment; and he wanted to see the facility shut down with the resolution amended and approved.

Discussion ensued between staff and Council Members regarding support for the study and for shutting down the facility; the safety of neighbors and residents; and jurisdiction.

Responding to inquiry, Mike Harriel from Southern California Gas Company, discussed the speed of gas delivery; the ability to provide gas immediately; and use of Renewable Natural Gas (RNG) in Culver City for City buses and for electricity.

Additional discussion ensued between staff and Council Members regarding the health, safety and overall fitness of the planet; the reason the item is on the agenda; availability of gas; the number of transmission lines coming into California; issues with supply in Texas; value of the facility; energy security; the responsibility to provide energy to the residents; natural gas storage in the United States; taking calculated risks; environmental interests vs. energy security; location of the facility in Los Angeles; political statements vs. practical application; prioritization of staff time; moving forward with homeless and housing issues; working in the best interests of Culver City residents; storage vs. drilling; use of new wells that are more secure and safer; the common practice of passing resolutions; past instances of signing letters of support; the

situation in Texas; weatherizing the grid; deregulation; working to influence the actions of others; effects of Aliso Canyon on surrounding areas; blow-outs at the Playa del Rey facility in 2013 and 2019; protecting the health and safety of residents and neighbors; support for Mike Bonin's effort to close the facility; the advancement of battery technology; the deadline to switch to an electric fleet in less than ten years; decreased usage of methane; the potential impacts of actions taken on a state level; use of recycled methane in the bus fleet; decreased need for the storage facility; stranded assets; failures in Texas because of their reliance on methane for electricity; the City's membership in the Clean Power Alliance; fossil fuels as a poor investment; compelling reasons to phase out the facility; putting pressure on the people with the power to make the decision; carbon capture; local action to move away from fossil fuels; the importance of making a statement; the LA County Just Transition Task Force; unpreparedness for what needs to be done; and the need to force people to confront difficult issues that will face the next generation.

Vice Mayor Lee moved to adopt the stronger resolution introduced by Los Angeles City Council Member Mike Bonin earlier this year to advocate for the closure of the methane storage facility in Playa del Rey and Council Member McMorris seconded the motion.

Further discussion ensued between Council Members regarding support for studying the effects of closing the facility; concern with making a blanket statement that the facility should be closed; concern with unintended consequences; and length of the process.

Jeremy Green, City Clerk, indicated that there was no Culver City resolution attached to the staff report, therefore the item would have to return for adoption at a future date.

Vice Mayor Lee reported that, prior to the meeting, the City Council was provided with the updated resolution passed this year by the Los Angeles City Council, noting that there was no attempt to delay or obfuscate the process.

MOVED BY VICE MAYOR LEE AND SECONDED BY MEMBER MCMORRIS THAT THE CITY COUNCIL DIRECT STAFF TO BRING BACK A CULVER CITY RESOLUTION FOR ADOPTION BASED ON THE STRONGER LOS ANGELES VERSION.

THE MOTION CARRIED BY THE FOLLOWING MOTION:

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

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Item A-2

CC - (1) Discussion of the Commercial Tenant Eviction Moratoria (CTEM); and (2) Provide Direction to the City Manager as Deemed Appropriate

Heather Baker, Assistant City Attorney, reported that staff had reviewed any potential conflict of interest for Council Members who might be either a commercial landlord or tenant and determined there to be no legal conflict under the Public Generally Exception of the Conflict Regulations specifically the Special Circumstances Rule for decisions made pursuant to a State of Emergency.

Elizabeth Garcia, Economic Development Project Manager, provided a summary of the material of record.

Heather Baker, Assistant City Attorney, reported receipt of public comment that the authority under the governor's executive order only granted cities the authority to suspend evictions, not defer rent, and that landlords should be able to pursue other forms of collections for past due rent; she clarified that the goal of the CTEM was not to prohibit collection, but rather to protect tenants from eviction based on the failure to pay rent provided they meet certain conditions; and she noted the objective to add additional language to make the intent clear.

Discussion ensued between staff and Council Members regarding complexity of the issue; unintended consequences; finding a balance; the number of moving parts in the process; the importance of stronger supporting language for documenting loss of overall income; the number of commercial tenants being affected; business license data; cancellation of commercial credit card services; the number of businesses assisted as part of the process; and the number of businesses that have closed over the past year.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Disa Lindgren discussed application of the moratorium to commercial tenants employing fewer than 200 people; felt the moratorium should be extended as long as the public health emergency exists; she did not want to see tenants required to pay rent until they are able to resume operations at a level allowing them to generate sufficient income to do so; discussed mediation; and the loss of small businesses that provide valuable goods and services.

Darrel Menthe provided background on himself; expressed support for the extension; discussed the simple plan for businesses with fewer than 200 employees; the proposal to require that 25% of rents be paid beginning in April; commercial tenants vs. residential tenants; the back rent repayment plan; concern with overtaxing businesses; allowing businesses to recover and negotiate; fears that commercial tenants will not pay back rents and leave; personal guarantees signed with commercial leases; extensive documentation requirements; and he urged the continuance of the current moratorium until June 30, 2021.

Jason Harrow provided background on himself; echoed concerns voiced by the previous speaker; discussed changing the repayment schedule; plans made by businesses based on the current procedures; he asserted that there was no evidence of fraud presented; and he expressed support for extending the moratorium as previously enacted.

Barry Cohan was called to speak but did not respond.

Ian Rambarran expressed opposition to extending the moratorium as that shifted the entire financial risk to the landlords; discussed fairness; the ability of businesses to generate income and receive grants; he wanted to see at least a 50% rental payment whether the moratorium is extended or not, including payment of utilities, and a payback mechanism; felt that tenants would wait until the last minute to make any repayments; and he stated that a payback mechanism was warranted to address the prohibition against collecting past monies.

Ross Harrow reported that he needed the moratorium to protect his business; he felt it only fair for the City to help out the businesses as they have been unable to operate in the way they expected to when they signed their leases; he asserted that businesses were not trying to take advantage; he pointed out that rent is usually the largest expense in foodservices; discussed mortgage forbearance for landlords; long-term

relationships; and he asked the City to extend the program noting that many more businesses would fail if they did not.

Rob Lawrence provided background on himself; discussed different experiences with two of his tenants; and he asserted that he could not afford to carry a business that is able to expand and buy other properties.

Les Surfas provided background on himself; noted the importance of improvising; discussed fairness; and small landlords vs. larger landlords.

Paul Buss, Culver Theater, provided a brief history of the theater; complimented staff and the Committee for their work on the complex issue; discussed the burden being placed on landlords; limited assistance from lenders to landlords; motivation for the landlords to work with tenants; the inevitability of tenant failures; and the importance of negotiation for a healthy recovery.

Christopher Hiti discussed his small business; businesses that restructured according to the agreed upon rules; concern with adding more uncertainty to businesses; support for the extension of the moratorium and payment of 25% of the current rent; capital structure; and landlords that will not let people get out of their leases.

Council Member Eriksson discussed the ability of the City to extend the moratorium and the intent to provide mediation as a free service.

Heather Baker, Assistant City Attorney, discussed the governor's executive order providing the ability to regulate protections by the local authority through March 31, 2021; the ability of the City to extend beyond the executive order; other charter cities in Los Angeles county with similar extensions; the possibility of further extension by the governor; and the option to direct the City Manager to automatically extend the moratorium if the governor extends it, or to extend it now.

Discussion ensued between staff and Council Members regarding potential liability associated with extending the moratorium past what the governor does; the need to support small businesses; guidance; information; providing tenant protections; going to the end of the local emergency; back rent repayment plans; mediation costs; availability of pro bono services; concern with mandating a potential step that involves

a cost; the Landlord Tenant Mediation Board (LTMB); the need to amend the code in order to change the role and scope of the LTMB; concern with introducing an administrative burden to staff; providing the desire for certainty; enhanced documentation; Common Area Maintenance (CAM) charges; landlords with diversified portfolios; clarification that agreements previously made between landlords and tenants would remain in place; concern with tenants being evicted if they cannot pay the 25%; tools available to help both parties; concern with continued losses; support for keeping things simple with a 25% repayment; increased pressure on tenants; landlord concerns that tenants will leave without making back payments; providing flexibility; potential recovery scenarios; better than expected sales tax revenue; people who might be worried about speaking out; support for the 12-month period; concern with putting a payment plan in place; different types of businesses in the City; businesses that are still suffering; input from the Downtown Business Association; businesses that are closing up even with the protections; preservation of small businesses in the City; and money put into local restaurants by the Feed Culver Association.

Additional discussion ensued between staff and Council Members regarding requirements for enhanced documentation; assisting in disputes between tenants and landlords; concern with making it more difficult for tenants to prove hardship; documentation required to get a PPP loan; issues that staff has run into with regard to documentation; acceptable documents; the additional requirements of a profit/loss statement and letter from an accountant; whether to add a requirement that assistance received be disclosed; agreement to strike a portion of the language; acknowledgement regarding the amount of staff involvement in the process; staff desire for input into the process from the City Council; hiring a financial consultant to take a deeper dive into documentation issues; streamlining the process; alleviating concerns around PPP and other government aid services; small businesses assistance from the federal government; economic stimulus; concern that the language implies that certain actions are mandatory; and unanimous agreement on the intent to work to improve the situation for everyone.

The City Council agreed to extend the CTEM through the end of the local emergency; begin to require 25% of rent due each month moving forward, effective at the end of the CTEM period; not impose a particular back rent repayment schedule, but leave the period at one year; refer and recommend specific programs, but not require parties to attend mediation; enhancement and

additional specificity of documentation, not including what relief tenants may have received through federal or state programs; accept the modified definition of commercial tenant; direct the City Manager, as applicable, to place the items in a public order and/or in the implementation measures; and direct staff to return to the City Council with confirmation of the public order at the next City Council meeting.

MOVED BY COUNCIL MEMBER ERIKSSON, SECONDED BY COUNCIL MEMBER VERA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL EXTEND THE CTEM THROUGH THE END OF THE LOCAL EMERGENCY; BEGIN TO REQUIRE 25% OF RENT DUE EACH MONTH MOVING FORWARD EFFECTIVE AT THE END OF THE COMMERCIAL TENANT EVICTION MORATORIUM PERIOD; NOT IMPOSE A PARTICULAR BACK RENT REPAYMENT SCHEDULE, BUT LEAVE THE PERIOD AT ONE YEAR; REFER AND RECOMMEND SPECIFIC PROGRAMS, BUT NOT REQUIRE PARTIES TO ATTEND MEDIATION; ENHANCEMENT AND ADDITIONAL SPECIFICITY OF DOCUMENTATION, NOT INCLUDING WHAT RELIEF TENANTS MAY HAVE RECEIVED THROUGH FEDERAL OR STATE PROGRAMS; ACCEPT THE MODIFIED DEFINITION OF COMMERCIAL TENANT; DIRECT THE CITY MANAGER, AS APPLICABLE, TO PLACE THE ITEMS IN A PUBLIC ORDER AND/OR IN THE IMPLEMENTATION MEASURES; AND DIRECT STAFF TO RETURN TO THE CITY COUNCIL WITH CONFIRMATION OF THE PUBLIC ORDER AT THE NEXT CITY COUNCIL MEETING.

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Public Comment - Items Not on the Agenda

Mayor Fisch invited public comment.

Mimi Ferrel, City Clerk Specialist, indicated that no public comment had been received.

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Items from Council Members

None.

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Council Member Requests to Agendize Future Items

Council Member Vera received City Council consensus to agendize a presentation on pallet housing.

Discussion ensued between Council Members regarding scheduling the presentation at the joint meeting with the Committee on Homelessness; the program in Redondo Beach; the feeling that action should be taken rather than adding another thing to consider; the challenge to find a location; and City Council consensus to have a stand-alone presentation and evaluate whether to move forward.

Vice Mayor Lee received City Council consensus to agendize a discussion of "Hero Pay", and he requested an update from staff on the COVID-19 rental relief assistance program that has been funded by reallocation of monies from the Accessory Dwelling Unit (ADU) program, and that monies not spent be returned to the ADU program.

Mayor Fisch received City Council consensus to agendize a ten minute presentation from Streets for All on implementing the City of Los Angeles Mobility Plan 2035.

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MOVED BY COUNCIL MEMBER VERA, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE MEETING BE ADJOURNED IN MEMORY OF DENNIS SHAPIRO.

Adjournment

There being no further business, at 11:12 p.m., the City Council adjourned the meeting in memory of Dennis Shapiro to March 1, 2021.

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

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

Date: _____