

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE CITY COUNCIL

SPECIAL MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

August 23, 2021
5:30 p.m.

Call to Order & Roll Call

Mayor Fisch called the special meeting of the City Council to order at 5:39 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 McMorrin, Council Member
Albert Vera, Council Member

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MOVED BY MAYOR FISCH, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CALL TO ORDER THE SPECIAL MEETING OF THE CITY COUNCIL.

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Pledge of Allegiance

Mayor Fisch led the Pledge of Allegiance.

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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:

Bryan Sanders encouraged people to take a look at Public Records Requests related to R1 and up zoning available at bit.ly/ccpubrec and he asked anyone who found the notes that he added for clarity to be subjective, to let him know.

Ron Ostrin asked the City Council to slow down and get buy-in from the public; he asserted that mistakes were being made; discussed the importance of taking the time to get consensus; Brown Act violations associated with the Southern California Hospital issue; self-regulation; attorney's fees; in-person meetings; setting up a hybrid meeting situation at the Senior Center; and he asked that exclusionary politics be ended in the City.

Discussion ensued between staff and Council Members regarding the Brown Act complaint; litigation; the Brown Act expert who handled the complaint; denial of the motion brought by the Hospital for a preliminary injunction in the District Court; legality of having the subject of the complaint vote on the item; and the discussion of the issue at the August 9 City Council meeting.

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Receipt and Filing of Correspondence

Mayor Fisch reported receipt of 103 pages of public comment for Item A-1.

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

Jeremy Green, City Clerk, indicated that additional correspondence received brought the total number of pages to 126.

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

CC - Discussion of and Direction Regarding (1) Preparation of Detailed Design Plans and Specifications for Opening of the Jackson Avenue Gate to the Ballona Creek Bike Path and Returning

to City Council with the Design in September 2021; and (2) Operation of the Jackson Gate and Allowing Pedestrian and Bicycle Access to the Path 24 Hours, 7 Days a Week Versus Establishing Nights Restriction (continued from 08/09/2021 meeting)

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

Discussion ensued between staff and Council Members regarding construction costs; differences in information provided at the Bicycle and Pedestrian Advisory Committee (BPAC) meeting vs. information provided in the staff report for the City Council; concerns voiced about a potential increase in crime with the opening of the Jackson Gate; increased mobility and accessibility; homeless individuals; theft and vandalism; lack of data; construction elements; modifications; the concept plan for the purposes of discussion; comments requesting reductions to the amount of pavement markings; the proposed mirror; the curb ramp; and required safety improvements.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Benjamin Williams expressed support for opening the gate and for making it easier to get around the City; discussed his usage of the bike path; concern with having such a long stretch without an exit; sympathy for the concerns of local residents; other entry points; streetscaping; improving safety by better integrating the bike path into the community; opening the bike path for the public good; and he did not feel that a fraction of local residents should have veto power.

Bubba Fish echoed comments made by the previous speaker; discussed making use of the important amenity; access; the at-grade entrance; climate change; incentivizing people to get on bicycles; safety concerns of the neighbors; and asserted that the region-wide thoroughfare should be opened up for the public good.

Steve Sheftel was called to speak but did not respond.

David Coles, Bike Culver City, expressed support for opening up the gate 24/7 like all public roads, without complicated time consuming design plans; discussed people who rely on cycling as their primary form of transportation; improving connectivity;

the inadequate existing connection at Duquesne Avenue; improving safety and accessibility; and campaign promises.

Karim Sahli expressed support for opening the gate and appreciation to staff for their efforts; discussed safety concerns; felt that the Culver City Police Department (CCPD) was doing a great job; and wanted to see the gate opened 24/7.

Richard Valverde was called to speak but did not respond.

Greg Maron provided background on himself; discussed advantages to opening the gate; safety in the community; comments by CCPD Chief Cid that there was no visible impact when the gates on the Exposition line were opened a few years back; benefits vs. costs; and the majority of feedback received in favor of opening the gate.

Patricia Bijvoet, former BPAC Member, discussed support for minimizing climate change and stimulating active transportation; building more housing; public transportation; connecting Ballona Creek to the residential network; entitled neighbors; public space; exclusionary actions; and she asked that there be no more delay and that the gate be opened.

Meghan Sahli-Wells thanked the BPAC, staff and Council Members for the thorough process; discussed community consultation; her proximity to the Duquesne gate; riding to school; safety; car collisions; and she wanted to see everyone enjoy the access that she has been able to enjoy.

Nancy Barba provided background on herself; expressed eagerness to ride to school with her child; and she echoed previous comments in support of opening the Jackson gate.

Ethan Greenspan was called to speak but did not respond.

Mark Salkin expressed concern that he had received no notice of the planned design that is proposed to be built on his property line; discussed a lack of neighborhood outreach; native animals that use the Creek; litter; felt that a California Environmental Impact Report (EIR) was necessary; discussed the imperfect cul-de-sac; safety issues; neighbors that come and go all day long; the need to study traffic patterns before making a decision; and he asserted that opening up the gate would be a big mistake.

Patrick Cleveland, Schlichter and Schonack, reported that his firm had been hired by concerned neighbors who live near the

gate; discussed a lack of transparency on the basis for the decision to open up the Jackson gate to Ballona Creek; dismissal of neighbor concerns; Public Records Requests; the lack of involvement in the process of those most affected by the decision to open up the Jackson gate; studies, reports and correspondence related to the opening of the gate; requested records that have still not been provided; and the implications that opening the gate would have on the surrounding neighbors.

Victoria Rosenfield discussed statistics being quoted; limited time for public comment; the original survey vs. the petition; missing data; errors; the actual number of respondents in favor of opening the gate; she asserted that the community was not included in outreach; and she asked that the process be delayed while data is gathered and that the gate not be opened.

Adrian Killigrew was called to speak but did not respond.

Ben Patterson was called to speak but did not respond.

Pasy Wang expressed support for opening the gate; discussed the lack of data as to whether crime and violence would increase; gangs; whether other gates should be closed; and benefits to the community by opening the gate.

Jim Lamm, Ballona Creek Renaissance, provided background on himself; discussed the longstanding issue of the Jackson gate; he did not see an open gate as a magnet for trouble; noted other gates that are open 24/7 without issue; and he asked that the gate be opened.

Cass Gualvez spoke in support of opening the gate as she felt safety would be increased; discussed the ability for kids to travel safely across the City; and she asked that people be allowed to connect in the safest way possible by opening up the gate.

Howard Adelman asserted that things did not happen in a vacuum; discussed the R1 zoning issue; the hands-off policy of CCPD with the homeless; and he felt like the City was changing and that opening the gate was another step in the direction of breaking down the neighborhood feel of the City.

Art Nomura provided background on himself; asserted that he was doing his part to reduce carbon emissions and traffic by riding a bike; discussed candidate statements regarding the Ballona Creek bike path; providing access to the path for everyone; he

asserted that Jackson Avenue was not a private street or driveway; discussed the Helms Avenue access to the e-line bike path that has been safely open 24/7 since 2016; and he asked the City Council to stop avoiding the issue and act decisively to open the gate.

Greg Lombardo discussed the lack of transparency and lack of outreach; the appeal of opening the gate; the failure to address legitimate concerns brought forward by the community; opposition by people in the surrounding area; those who stand to benefit vs. those who would be affected; the narrow streets; and zoning requirements.

Michael Schneider expressed support for opening up the gate; discussed benefits of opening the gate vs. unfounded concerns cited; and he asked that the gate be opened with 24/7 access like all other public spaces.

David Haake provided background on himself; expressed support for opening the gate; discussed safety; the benefits of providing a safe route for children to ride their bikes to school; and access in the Lindberg Park neighborhood.

Disa Lindgren read a comment on behalf of Sophie Nenner urging the City Council to permanently open the Jackson gate for equity and safety reasons; discussed the benefits of biking as a way to combat climate change; making safe infrastructure available at all times; providing a safe way for people of all income levels to commute; and she asked that the decision be a permanent change, not a pilot program.

Mary Daval urged the City Council to open the Jackson gate; asserted that a fancy design was not needed; expressed support for opening all the gates; discussed other gates that are open 24/7; two other bike paths to examine for best practices; proving as many entry and exit points as possible; and allowing equitable safe access to the wonderful City amenity.

Herbie Gelman indicated living directly adjacent to the maintenance gate; expressed support for cycling as well as for democracy and due process, but opposition to opening the gate; discussed concern with a lack of transparency and disregard for local residents throughout the process; General Plan requirements for collaboration and consideration of concerns to adjacent and abutting residents; insufficient opportunity for resident input; internal decisions already made; his efforts to be part of the process; promises to meet with residents that

never transpired; the mischaracterization of the 300 people who signed a petition against opening the gate as a small opposition group; and he asserted that the residents most impacted by the decision deserved to be heard before rushing the item through.

Ron Synn was called to speak but did not respond.

Carolyn Allport provided background on herself; discussed allowing access to the path; appreciation for being able to access the bike path at grade; difficulties accessing at Duquesne; and she felt confident that people would adjust to pulling out of their driveways when children are present.

George Hewitt voiced support for opening the Jackson gate to 24/7 access; asserted that if having the gates open were dangerous, the other gates would have been closed long ago; discussed the importance of improving safety for cyclists; the equity issue of allowing access to cheaper forms of transportation; he did not feel that communities should be gated, or people pushed out; and he felt that it was past time to stop prioritizing the fears of a few wealthy homeowners.

Ron Ostrin discussed his use of the bike path; acknowledged resident concerns with opening the gate; he asserted that there were no other exits in a strictly residential area, and none with five driveways; he reported that a homeless individual had defecated on his driveway; noted the need for security and community buy-in; observed that outreach had been done for people who already agreed that the gate should be opened; and he proposed a test period to try opening the gate on weekends.

Allen Lulu provided background on himself; discussed the Los Angeles Beloit gate as the impetus for his getting involved in the community; the influence of Culver City on Los Angeles; providing the ability for people who live in Sunkist Park to get to the bike path; the importance of improving access and safety as the community gets more dense; allowing for safe routes to school; autonomy for children; and he indicated that he had been working on the issue for six years.

John Buuck discussed his proximity to the gate; notification; the lack of polling or outreach; the importance of understanding the real world implications of making the change; the narrowness of the street; concern with people being hit by a car pulling out of the driveway; whether providing access is sensible at the proposed location; he asserted that no one ever walks their bike at the pedestrian cut-through between Jasmine and Jackson;

and he stated that additional bike traffic was not safe at the specific location.

Kimberly Ferguson was called to speak but did not answer.

Michelle Ford provided background on herself; expressed opposition to opening the gate; expressed sympathy for those who have to ride farther; discussed increased levels of crime in the area; previous communication with Council Members regarding a gentleman who hopped over the fence from the Creek and was behaving in an objectionable manner; the study that indicates that usage would go down; and she asserted that opening the gate was hazardous and unnecessary.

Katherine Makinney indicated that she is a cyclist; addressed comments regarding the public good, access, and safety noting that Jackson Street was not designed to be an access point; she discussed city, state and county requirements for new access points; blind spots; she asserted that there was no other residential street that goes into the Creek for a reason; stated that there was not enough room; and she questioned who would be responsible when issues arise.

Kristen Pawling asked that the gate be permanently opened to make the community's best walking and biking facility more friendly to women and families; she indicated that she felt safer when closer to one of the entrances; discussed sexual assault; creating an environment to encourage new users; and usage of Jackson Market.

Michelle Weiner expressed appreciation to staff for their efforts; noted statements by CCPD indicating that there were no more serious incidents on the bike path than there were on a busy street; she reported unanimous support for opening the gate at all hours as a permanent amenity by the BPAC; discussed the need for the access point; and representation provided by the BPAC.

Triana Siltan discussed her experiences using the bike path; support for opening the gate; democracy; disagreement; the need for leadership; values of the City; being an open City; creating conditions for people to be healthy; and looking at what is best for the whole City.

Sean Pawling expressed support for opening the gate; discussed usage of the path by his family; outreach; length of the process;

opening up more gates; the importance of the bike path to the City; and protection from cars.

Sandrine Cassidy, Culver City Unified School District (CCUSD) Sustainability Coordinator, discussed the mission to connect the community and the Creek; providing safe passage to and from the schools; current dangers faced by riders; addressing equity; benefits to opening the gate; her experience living across from an access point; the important City asset; she asserted that no re-design was necessary; and she wanted to see the gate opened 24/7 for everyone rather than being closed off for a small group of concerned residents.

Susan Tillerson reported expressing opposition to opening the Jackson maintenance gate at the Carlson Park meeting; discussed the limited survey; the petition; comments provided; inadequate outreach; disregard for the neighbors; security; process; property values; criminal activity; liability; and she proposed that hours of access be limited.

Julie West reported living on Jackson Avenue; expressed opposition to opening the gate; discussed narrowness of the street; safety concerns; support for the bike path; and she indicated that if the gate must be opened, it should be closed at night when children would not be riding.

Jim Shanman, Safe Routes to School Coordinator, expressed support for opening the gate; discussed the Creek as a valuable resource for the City; mobility options; increased safety with increased usage; the path as a connection to the middle and high school campuses; benefits of opening the gate; pre-pandemic figures on the number of children who use alternative options to get to school; feedback from parents indicating likelihood of using the path if the gate were to be opened; attendance of the recent Welcome to Middle School Fun Riding Workshop; and the importance of providing access.

Abby Wood provided background on herself; expressed support for opening the gate 24/7; discussed plans to use the path; improved safety with increased usage; and increasing neighborhood feel.

Bryan Sanders expressed concern with a lack of data; discussed a heat map shared illustrating opposition to the opening; and statements indicating that data can be gathered after the gate is opened.

Adrian Killigrew expressed support for opening the gate and all other gates providing access to the Creek; discussed benefits to the entire City; fears of the neighbors; the importance of getting cars off the road; constructive changes; the importance of the local asset; Walk 'n Rollers; promotion of Safe Routes to School; and encouraging the everyday use of bicycles for transportation.

Dr. Kelly Kent, CCUSD School Board Member, spoke on her own behalf expressing gratitude to staff for their efforts; discussed length of the process; community engagement; access; encouraging ridership; staff monitoring; and report backs.

Dylan Gottlieb discussed the important resource in Culver City; the difficulty of sharing the streets; safety; access points; the pedestrian bridge from Lindberg Park to the bike path; and asked that the gate be opened 24/7.

Discussion ensued between staff and Council Members regarding the importance of safe access to Ballona Creek; issues to be addressed; the unhoused population; lighting; providing a compromise; the importance of acknowledging and addressing resident concerns; lack of outreach about the issue; hours of access; the recent cutting of the lock on the gate; cleaning up the area and providing housing and wraparound services; appreciation for the work of staff and the public engagement; length of the process; equity; access; safety; revisiting the issue after 6-12 months; the design; the potential for attracting new users with the opening of the gate; background on the origin of the item; the process; increased numbers of homelessness along the Creek; increases in crime and fires; taking concerns of the neighbors as seriously as the concerns of bike riders; the Higuera Bridge Replacement Project; the need for additional work before opening the gate; removal of encampments in Venice; current use of the bike path as a safe route to school; a suggestion for a budget amendment to hire bike patrol officers and add a security camera to monitor usage and function as a deterrent; allowing people to use the path to commute to work; CCPD statements equating the amount of crime that happens on the Creek to that which occurs on a regular street; opposition to increased enforcement; the new program to get officers out of cars and on to bikes; a reminder that being unhoused is not a crime and being homeless is not a criminal activity; homeless people who are afraid of housed people; the uptick of housed people targeting homeless people; the increase in City encampments; the importance of opening the gate in the context of the stated commitment of the City Council to

mobility; judgement of viable uses; the feeling that a study is not needed, nor are improvements; the need to open the gate for everyone; opposition to additional delay; the inability to please everyone; making necessary changes based on facts; transitioning the Creek to an integrated part of the community; making the area more park-like; allowing access for emergency personnel; costs and risks of not taking action; narrowness of the street causing drivers to proceed more slowly; Duquesne and Overland as being intimidating to low-confidence bike riders, pedestrians and runners; the suggestion to implement a new homelessness plan; the workload for the Housing Department; providing staff with administrative authority to review details of the gate design and to address concerns; providing 24/7 access vs. opening for limited hours and monitoring the situation; the feeling that novice riders would be less likely to be riding at night; providing consistency with other gates; staff review; the accessibility, equity, mobility and safety issue; the importance of balancing interests; compromise; concern with further dividing the City with an "all or nothing" attitude; the feeling that the neighbors should be given something; concern with rushing the item through; the importance of taking a balanced approach; the recent MOVE Culver City meeting; qualitative data that can be considered; conjecture; and allowing Ballona Creek to be a bicycle expressway.

Council Member McMorris proposed a motion to open the Jackson gate 24/7 with administrative authority granted to staff to address concerns and return to the City Council if necessary.

Council Member Vera proposed an amendment to the motion to compromise and address resident concerns by locking the gate from midnight to 5 a.m.

Council Member McMorris did not accept the proposed amendment.

MOVED BY COUNCIL MEMBER MCMORRIN AND SECONDED BY VICE MAYOR LEE THAT THE CITY COUNCIL DIRECT STAFF TO OPEN THE JACKSON GATE AND ALLOW PEDESTRIAN AND BICYCLE ACCESS TO THE PATH 24 HOURS PER DAY, 7 DAYS A WEEK AND MOVE FORWARD WITH DESIGN PLANS AS PRESENTED BY STAFF AND GRANTING STAFF ADMINISTRATIVE AUTHORITY TO RESPOND TO COMMUNITY CONCERNS WITH THE ABILITY TO RETURN TO THE CITY COUNCIL.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment - Items Not on the Agenda

Mayor Fisch invited public comment.

No public comment was received.

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Items from Council Members

None.

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Council Member Requests to Agendize Future Items

None.

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Jeremy Green, City Clerk, asked that five minutes be provided in order to set up for the regular meeting to follow.

Adjournment

There being no further business, at 8:11 p.m., the City Council adjourned the meeting to a regular meeting on August 23, 2021 at 7:00 p.m.

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Jeremy Green
CITY CLERK of Culver City, California
Culver City, California

ALEX FISCH
MAYOR of Culver City, California

Date: _____