

THESE MINUTES ARE NOT OFFICIAL
UNTIL APPROVED BY THE CITY COUNCIL

SPECIAL MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

October 18, 2021
6:00 p.m.

Call to Order & Roll Call

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

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

*Council Member McMorris joined the meeting at 6:28 p.m.

Gabby Monzon, Deputy City Clerk, reported that Council Member Eriksson was participating via videoconference.

o0o

Pledge of Allegiance

Mayor Fisch led the Pledge of Allegiance.

o0o

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

None.

o0o

Joint Public Comment - Items NOT on the Agenda

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Marcus Tiggs was called to speak but did not respond.

Ira Diamond was called to speak but did not respond.

Dr. Tom Williams indicated that he could not hear anything that was going on in Council Chambers.

Carol Schwab, City Attorney, reported receipt of feedback from a former Council Member indicating that audio was working fine on youtube.

Mayor Fisch reported feedback from the last meeting indicating that the chat function was distracting, and he asked the City Clerk to turn off the chat and to send information regarding availability of the audio on youtube through the Q&A.

Dr. Tom Williams, Citizens Coalition for a Safer Community, felt there should be more general meetings where people can voice their concerns directly in a person-to-person meeting; he indicated that he is vaccinated and wears a mask; discussed technical difficulties; the process; problems with regard to historic and petroleum related issues in the City; the Marriott Hotel construction in Marina del Rey; and he recommended that staff get aerial photographs of the City from 1927 through the present for historic presentation and identification of real oil wells.

John Nachbar, City Manager, reported audio available on youtube.com and on cable, but the website was experiencing problems.

Mayor Fisch asked that a message be put on the website for people to see.

Dr. Ira Diamond discussed plans for the removal of an iconic Juniper tree in the picnic area at Lindberg Park as part of the renovation process; Americans with Disabilities Act (ADA) compliance; tree trimming; tree diversity; and he asked the City Council not to destroy the tree.

Mayor Fisch indicated that he would contact Dr. Diamond.

o0o

Receipt and Filing of Correspondence

Mayor Fisch reported receipt of 727 pages of correspondence.

MOVED BY COUNCIL MEMBER ERIKSSON AND SECONDED BY VICE MAYOR LEE THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: ERIKSSON, FISCH, LEE, VERA
NOES: NONE
ABSENT: MCMORRIN

o0o

Public Hearing Items

Item PH-1

CC - (1) PUBLIC HEARING: Reintroduction of an Ordinance Approving Zoning Code Amendment P2021-0036-ZCA, Amending Culver City Municipal Code Title 17: Zoning Code, Section 17.610.010.D - Nonconforming Oil Use, to Terminate Nonconforming Oil and Gas Uses by November 24, 2026; and (2) Direction to the Subcommittee and City Staff as Deemed Appropriate

MOVED BY VICE MAYOR LEE AND SECONDED BY COUNCIL MEMBER VERA THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT AND MAILING AND POSTING OF PUBLIC NOTICES.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: ERIKSSON, FISCH, LEE, VERA
NOES: NONE
ABSENT: MCMORRIN

Heather Baker, Assistant City Attorney, introduced the item.

Melanie Doran Traxler, Contract Planning Manager, provided a summary of the material of record.

Council Member McMorris joined the meeting.

Mayor Fisch reported receipt of a call from a representative of Sentinel Peak Resources (SPR) on October 15 expressing willingness to continue the discussion.

Discussion ensued between staff and Council Members regarding the determination that five years is more than enough time to

close down all the active wells and remediate them; the Jefferson drill site; and reasonable expectation.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER VERA AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Fisch invited public comment.

The following members of the public addressed the City Council:

Dr. Khin Khin Gyi discussed organizations that she is part of; applauded the phase out of oil operations in the Culver City portion of the Inglewood Oil Field (IOF); discussed recent spills; ageing infrastructure; remediation of the Dog Park; spontaneous release of gases and oil; costs of voluntarily re-capping the leaky wells; the need for adequate bonding in the ordinance; the need to cap all wells in the unincorporated section of the IOF but with bond wells ending in Culver City; enforcement of violations; precedent set by other counties; and she thanked the City for their efforts.

Nicole Levin, Sierra Club, expressed support for the item; reported that the Los Angeles County Board of Supervisors had voted unanimously to begin the process of phasing out oil drilling in unincorporated LA county; she stated that the decision was in large part due to the leadership of the Culver City Council; discussed community support for the item last June; and continued support for protecting the health and safety of residents.

Monica Embrey was called to speak but did not respond.

Maro Kakoussian, Physicians for Social Responsibility LA, the Stand LA Coalition, thanked the City Council for their leadership; discussed the work of Los Angeles to protect residents impacted by toxic drilling practices; studies indicating increased health problems for those living in close proximity to oil drilling; and she asked the City to continue their leadership in phasing out the oil fields.

Rachel Smith, Sunrise Los Angeles, thanked the City for their leadership; reiterated that the motion was a necessary action to move the process forward; she discussed negative impacts of the IOF to the surrounding community; creation of good high road jobs; impacted workers; training, support and wage replacement; and the remediation process.

Maya Golden-Krasner, Climate Law Institute for Biological Diversity, expressed support for the action being proposed; discussed a letter they submitted; concern with a change in the ordinance allowing Sentinel Peak Resources (SPR) to continue to operate "necessary" injection wells after the 5 year phase out period; the discretion of Cal Gems to determine what is "necessary"; the need to clarify that injection wells are only necessary to protect public health and safety such as by preventing subsidence or ground water contamination; making it clear that "necessary" does not mean needed to support additional oil and gas extraction in the adjoining part of the IOF; the dangers of injection; the need to curtail and clarify; and she reiterated support for moving forward with phasing out oil drilling.

Kelli Estes was called to speak but did not respond.

David Haake provided background on himself; expressed support for the item; discussed strong evidence regarding exposure to cancer causing elements for those living near the oil field; the environmental justice issue; redlining; racism; low income Black and Latinex communities; oil spills and leaks; and the importance of providing good jobs, clean water, clean air and a better quality of life for all residents and a better future for the City.

Nicki Carlsen, Alston & Bird representing SPR, discussed a letter submitted to the City adding to their extensive objections to the City's ordinance; the recent Court of Appeals decision for Chevron vs. County of Monterey; Measure Z; and she urged the City to reject the proposed ordinance.

Jasmin Vargas, Food and Water Action, urged the City Council to support passage of Item PH-1; expressed appreciation for the work done by the City and the positive influence on the county of LA; support for the shortest possible phaseout and cleanup timeline; discussed transitioning to a clean energy economy; input from the community on future use of the site; locally impacted residents; prior informed consent from local indigenous communities; consideration of use of the land for clean energy resources; making a more sustainable City; and moving toward 100% clean energy.

Heather Pearce, SPR, discussed the package submitted in opposition to the proposed ordinance; preparedness to fight for rights; the invitation to engage in a dialogue to consider

solutions outside the context of amortization; aligned interests; commitment to a just transition plan; the counter-productive ordinance; costs to taxpayers; delayed implementation of a cooperative solution by litigation; and she expressed hope that the City would do the right thing and continue to work together to develop a better solution.

Andres Gonzalez, Liberty Hill Foundation, discussed the work of the Foundation; impacts of neighborhood oil drilling to surrounding communities; ending oil production close to homes and schools; IOF as the largest urban oil field in the United States; placing a disproportionate burden on those who live within 5 miles of the IOF; support for a path forward that holds the operator accountable for full remediation; Measure Z; support for the phase out of oil drilling; and paving the way for a healthy, just and transformative future for Culver City.

Catherine Ronan thanked the City Council for their leadership; discussed the reintroduction to shore up technicalities, not to relitigate issues already decided; the need to phase out as soon as possible; holding the operator responsible for well plugging, abandonment and full remediation of the City's portion of the IOF; resident engagement to determine how the area should be used; she expressed her wishes for use of the area; and she felt that taxpayers should not have to bail out the oil industry.

Arnie Corlin, Los Angeles South Chamber of Commerce, urged the City Council not to move forward with the ordinance; discussed job loss and financial hardship; high paying local jobs; support of local businesses; concern with setting a precedent; creating eminent domain without compensation; concern with a costly court battle; he asserted that there was no proper basis for a five-year phase down or just transition; expressed support for the business practices of SPR; and urged the City Council to stop fighting and to work with SPR for a better solution.

Chris Wiltfong was called to speak but did not respond.

Dr. Tom Williams was called to speak but did not respond.

Damon Nagami, Natural Resources Defense Council, discussed strong support for the plan; health risks from living near oil wells; reversing decades of harmful and racist land use policies; the opportunity to create family sustaining jobs; the Court of Appeals case mentioned earlier that reaffirms local authority to ban drilling on land within its jurisdiction and reaffirms the prohibition of oil drilling entirely; the thorough

and methodical approach taken by the City; and he asked the City to approve the ordinance.

Chris Wilson, Los Angeles County Business Federal, provided background on the organization; expressed opposition to the item; asserted that the IOF is a good neighbor, provides great paying jobs, and has been deemed an essential business; discussed taxes and fees paid each year; concern with imposing eminent domain; felt the five year timeline was arbitrary; and asked that the City weigh the consequences before moving forward.

Alison Hahm, Citizens for a Better Environment, provided background on the organization; discussed reasons for their support of the item; prioritization of community health and safety; hope that others would follow the lead of Culver City; Measure Z; state law allowing cities to ban oil and gas entirely; well-established case law; prioritizing future safeguards; monitoring to ensure that there are no further accidents, spills or exposures; and funding mechanisms to cover the costs of monitoring and possible mishaps.

MOVED BY VICE MAYOR LEE, SECONDED BY COUNCIL MEMBER MCMORRIN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Council Members regarding resident feedback; support for the decision made in June; the actions taken by the Los Angeles County Board of Supervisors; comments from the Center for Biological Diversity regarding altering the ordinance to allow the continued operation of injection wells after the five-year period; logistics; carefully considered language; staff support for changes made; litigation; protecting the City; Measure Z; key differences between the proposed ordinance and Measure Z in Monterey; the non-conforming use in Culver City; including explicit language around engagement with indigenous communities and the just transition; language indicating efforts to provide resources for the transition of union workers; oil operation remediation; the Grid Alternatives training program; money spent on the process; the real potential for exposure to litigation; health benefits from closing down the IOF; good faith conversations; ample time for the phase out period; impacted jobs; the equity issue; community members closest to the harm; agreement that oil production should be removed from urban areas; legal issues; Monterey County vs. Chevron; the Inouye case; the need to defend the action; the work of the county due to the work done by Culver

City over the years; inevitable legal costs; the cost of the Hero Pay lawsuit; the agreement reached between Los Angeles and SPR; the need for compromise; finding a cooperative way to work with the current operator to phase out oil production over time; concern with a hostile phase out; the feeling that if Los Angeles can work with the operator, Culver City should be able to as well; City services deteriorating due to lack of funds; letting the county lead and allowing the City Attorney to focus on other items; the seriousness of litigation; balancing the likelihood of winning with the importance of the cause being advanced; good faith negotiations; publicly made threats by SPR; the mountain of evidence regarding risks to public health; the investment of time, energy and intention; the ability of SPR to conduct industrial activity; challenges; recognizing that indigenous people are one of the interests; the County's Just Transition Task Force; and clarification that the California Environmental Quality Act finding is part of the ordinance.

MOVED BY VICE MAYOR LEE AND SECONDED BY COUNCIL MEMBER MCMORRIN THAT THE CITY COUNCIL: REINTRODUCE AN ORDINANCE APPROVING ZONING CODE AMENDMENT P2021-0036-ZCA, AMENDING CULVER CITY MUNICIPAL CODE TITLE 17: ZONING CODE, SECTION 17,610.010.D - NONCONFORMING OIL USE, TO TERMINATE NONCONFORMING OIL AND GAS USES BY NOVEMBER 24, 2026.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

o0o

Public Comment - Items Not on the Agenda

Mayor Fisch invited public comment.

Gabby Monzon, Deputy City Clerk, indicated that no public comment had been received.

o0o

Items from Council Members

None.

o0o

Council Member Requests to Agendize Future Items

None.

o0o

Adjournment

There being no further business, at 7:32 p.m., the City Council adjourned to a regular meeting to be held on October 25, 2021.

o0o

Jeremy Green
CITY CLERK of Culver City, California
EX-OFFICIO CLERK of the City Council
Culver City, California

ALEX FISCH
MAYOR of Culver City, California

Date: _____