

OFFICIAL MINUTES

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

October 14, 2019
7:00 p.m.

Call to Order & Roll Call

Mayor Sahli-Wells called the regular meeting of the City Council to order at 6:40 p.m. in the Mike Balkman Chambers at City Hall.

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

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

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Recognition Presentation

Item R-1

CC - Proclamation in Recognition of Indigenous Peoples Day 2019

Mayor Sahli-Wells presented the Proclamation.

Julia Bogany, Tongva Nations Cultural Officer, thanked the City Council for the Proclamation and indicated a willingness to work together.

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Item R-2

CC - Proclamation Designating October as National Arts and

Humanities Month

Council Member Small noted the growth and maturity of the arts community over the past several years and he presented a Proclamation designating October as National Arts and Humanities month.

Dr. Janet Hoult thanked the City for the honor noting the breadth of cultural activities in the City.

Jeannine Wisnosky Stehlin, Cultural Affairs Commission Chair, introduced Cultural Affairs Commissioners; noted that Dr. Hoult is the Honorary Poet Laureate for the City; described programming and activities; and she indicated that additional information is available online.

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Item R-4

(Out of Sequence)

CC - Presentation of a Commendation to Marcy Sookne for her Contributions to the Disabled Community in Culver City

Vice Mayor Eriksson presented the Commendation to Marcy Sookne.

Marcy Sookne discussed education; valuing those with disabilities; and being welcoming to those with disabilities.

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Item R-3

CC - Proclamation Designating October as Disability Awareness Month 2019

Council Member Fisch presented the Proclamation

Dr. Jay Shery, Disability Advisory Committee Chair, discussed events scheduled for Disability Awareness Month.

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Item R-5

CC - Presentation of a Commendation to Theatre by the Blind for Their Contributions to the Disabled Community in Culver City

Council Member Lee presented the Commendation to Artistic Director Greg Shane, noting the importance of the arts, who thanked the City for the Commendation.

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Item R-6

CC - Presentation to the Culver City Fire Department of the American Heart Association/American Stroke Association Mission: Lifeline® EMS Bronze Plus Award

Shawnie Smith, American Heart Association, presented the Lifeline® EMS Bronze Plus Award to Dr. David Eisner, Medical Director for the Culver City Fire Department.

Ken Powell, Assistant Fire Chief, expressed gratitude for the honor.

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Regular Session

Mayor Sahli-Wells convened the meeting of the Culver City Housing Authority Board, and the Successor Agency to the Culver City Redevelopment Agency Board at 7:15 p.m. with all Members present.

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Pledge of Allegiance

The Pledge of Allegiance was led by Keith Jeffreys.

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Community Announcements by City Council Members/Information Items from Staff

Council Member Fisch thanked the Arts District and residents for a successful Art Walk & Roll this past weekend; discussed the Culver City Speaker Series presentation by Dan Sturges and the upcoming presentation by Richard Rothstein on November 21; and he noted that video was available for all of the speakers.

Vice Mayor Eriksson reported making a presentation to the Uddevalla City Council in Sweden noting that they face similar issues; he received City Council consensus to explore a friendship City status with Uddevalla, Sweden; and he announced The Great Shake Out on October 17.

Council Member Small discussed the success of the Art Walk & Roll Festival; the talk about mobility from Dan Sturges; Riveropolis; and he announced the next General Plan event with Richard Rothstein, John Kent, and Kelly Lytle Hernandez.

Council Member Lee discussed the Art Walk & Roll Festival and expressed appreciation for the efforts to integrate the Gallery Community with the residents; he discussed the film "Why We Bike" and wanted to see an additional opportunity for people to see the film; he felt there would be a good turnout for the General Plan event in November; discussed a similar event with Mr. Kent at the Mayme Clayton Museum before it closed; reported on a meeting with Advance Planning Manager, Ashley Hefner and Los Angeles City Planning to ensure coordination between the two cities and the recommendation for regularly quarterly meetings throughout the General Plan process; and he noted that a cohort from the Luskin School would work with the consultant on the General Plan starting in January.

Mayor Sahli-Wells acknowledged the impact of Dr. Sarah Carpenter on Culver City and reported attending her memorial; she discussed the County Board of Supervisors agenda item on the fate of the old Courthouse; the eviction of the Mayme Clayton Museum; the lack of public process; public land; ways to comment and/or participate; the rent freeze; she reported receipt of a petition for a ballot measure to require that renter protections would have to go to a public vote before being voted on by the City Council and she received City Council consensus to agendize a discussion of the proposed ballot measure; she discussed rental protections passed by the state of California and the governor; and she announced the passing of Community Library Manager, Laura Frakes.

MOVED BY MAYOR SAHLI-WELLS, SECONDED BY COUNCIL MEMBER LEE AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF LAURA FRAKES.

Vice Mayor Eriksson discussed the organization to be put in the former location of the Mayme Clayton Museum.

Jeremy Green, City Clerk, reported on the Mock Elections held on September 28-29 noting that Los Angeles county reported that Culver City had been one of the best attended sites.

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Presentations to City Council

Item P-1

CC - Presentation of the Results From the City's Age Friendly City Survey

Serena Wright-Black, Assistant City Manager, provided background on the item and she recognized Raffi Nazarian for his help with the process.

Nancy Frank, Berkeley Age Friendly Continuum, provided background on the survey and a presentation on the results; discussed data points; Age Friendly Planning; people with disabilities; improvements that help everyone; the survey process; listening sessions; survey responses; demographics; the Elder Self Sufficiency Index; outreach; neighborhood representation; housing issues; voting on personal experience; transportation; perception; information deficits; home care services; preferred communication methods; and additional information available.

Discussion ensued between Ms. Frank, staff and Council Members regarding availability and distribution of the information; next steps; inclusion of aging in all policies; the education component; preventative measures; shame and denial with aging; shifting attitudes; planning for aging; Senior Specific Information and Referral sites; educating those who cannot attend presentations at the Senior Center; addressing social isolation; a suggestion that the item be sent to the subcommittee and the General Plan Advisory Committee; and City Council consensus to have the Parks, Recreation and Community Services Commission consider the item and provide three suggestions to act upon.

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Joint Public Comment - Items Not on the Agenda

Mayor Sahli-Wells invited public comment.

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The following members of the audience addressed the City Council:

Dr. Janet Hoult discussed the Art Walk & Roll Festival; reminded everyone to participate in the California Shake Out on October 17; discussed commendations presented; creativity among the disabled; she read a poem about the Disability Advisory Committee; and she reminded everyone that October 14 was the last day to submit an application to serve as Artist Laureate for Culver City.

Keith Jeffreys, United States Veterans Artists Alliance (USVAA), announced that Sydney Kamlager Dove and Dr. James Limbaugh would permanently recognize November 1 as Veterans in the Arts and Humanities Day on October 27 at West LA College; he invited everyone to attend the USVAA New Works 2019 Presentation, also on October 27; and he thanked the Mayor and City Council for their support.

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Receipt and Filing of Correspondence

Jeremy Green, City Clerk, indicated that one email had been received for Item A-1 and seven emails were received for Item A-3.

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

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Order of the Agenda

Mayor Sahli-Wells indicated that youth speakers were present to speak on Item A-3 and therefore the public comment portion of that item would be brought forward, with the rest of the item considered later in the meeting.

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Item A-3

(Out of Sequence)

CC - Introduction of an Ordinance Amending Certain Provisions of Chapter 11.15, Tobacco Retailer Licensing, of the Culver City Municipal Code to Prohibit the Sale of Flavored Tobacco Products, Including Menthol

Mayor Sahli-Wells invited public comment.

The following members of the audience addressed the City Council:

Kathryn Guerra, Culver City Youth First Tobacco Coalition, shared her concerns about flavored tobacco; discussed her efforts with the Coalition; the harms of hookah; normalization of usage; ease of underage access; and she asked that access of flavored tobacco products be restricted.

Marcos Rodriguez, Culver City Youth First Tobacco Coalition, expressed concern with the teen vaping epidemic; discussed Centers for Disease Control (CDC) findings; increased hookah and e-cigarette usage; the lack of age requirements for hookah lounges; enforcement; negative affects to health; misperception; and he cited the importance of stopping youth access.

Sarah Lee discussed e-cigarettes and tobacco use; the epidemic of e-cigarette use; smoking indoors; the fact that use of e-cigarettes is less noticeable than regular cigarettes; new forms of electronic hookah smoking; and she asked for a sales restriction to protect the health of the community and specifically youth.

Rica Blanks, Culver City Youth First Tobacco Coalition, voiced concern with flavored tobacco and hookah; discussed the growing number of addicted youth; the high prevalence of hookah use among youth; the perception that hookah is less dangerous; and she asked that the community be protected.

Isaac Hong, Culver City Youth First Tobacco Coalition, discussed the importance of prohibiting hookah usage in Culver City; health risks; cancer causing chemicals; passing infection to shared users; socializing; and he thanked the City Council for their consideration.

Evelyn Balderas, Culver City Youth First Coalition, discussed her work with students at schools; students who want to know

why drugs that are harmful are legal; accessibility; increased hookah use; and she asked that the flavored tobacco ban ordinance be passed.

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Consent Calendar

Item C-4

(Out of Sequence)

CC - Adoption of an Ordinance Repealing Culver City Municipal Code (CCMC) Subchapter 13.03.200, Firearms, and Replacing it with New Subchapter 13.03.200, Firearms - Safe Storage, Shooting Requirements and Suicide Prevention, to Require all Firearms Located in a Residence to be Kept in a Locked Container or Disabled with a Trigger Lock, and for all Firearm Retailers to Post Signage about Suicide Prevention

Shelly Wolfberg, City Manager's Office, provided a summary of the material of record; acknowledged the work of Margot Bennett from Women Against Gun Violence; she discussed signage; outreach; and the work of the City to strengthen education to the community to keep residents safe.

THAT THE CITY COUNCIL: ADOPT AN ORDINANCE REPEALING CULVER CITY MUNICIPAL CODE (CCMC) SUBCHAPTER 13.03.200, FIREARMS, AND REPLACING IT WITH NEW SUBCHAPTER 13.03.200, FIREARMS - SAFE STORAGE, SHOOTING REQUIREMENTS AND SUICIDE PREVENTION, TO REQUIRE ALL FIREARMS LOCATED IN A RESIDENCE TO BE KEPT IN A LOCKED CONTAINER OR DISABLED WITH A TRIGGER LOCK, AND FOR ALL FIREARM RETAILERS TO POST SIGNAGE ABOUT SUICIDE PREVENTION.

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Item C-3

(Out of Sequence)

CC - (1) Approval of a Purchase Order with RedSky Emergency Vehicles for the Purchase of Two Braun Chief XL Type I Ambulances in an Amount Not-To-Exceed \$556,638.80; and (2) Authorize the Fire Chief to Approve Amendments to the Purchase Order in an Additional Amount Not-to-Exceed \$55,660 (10% of Base Purchase Price for Unexpected Costs) Resulting in a Total Expenditure Not-To-Exceed \$612,298.80

Council Member Fisch congratulated the Fire Department for receipt of the SAFER Grant; highlighted the investment in first responder units of the City; and he received information on enhancements made.

THAT THE CULVER CITY COUNCIL:

1. APPROVE A PURCHASE ORDER WITH REDSKY EMERGENCY VEHICLES FOR THE PURCHASE OF TWO BRAUN CHIEF XL TYPE I AMBULANCES IN THE AMOUNT OF \$556,638.80; AND
2. AUTHORIZE THE FIRE CHIEF TO APPROVE AMENDMENT(S) TO THE PURCHASE ORDER IN AN ADDITIONAL AMOUNT NOT-TO-EXCEED \$55,660 (10% OF BASE CONTRACT FOR UNEXPECTED COSTS); AND
3. AUTHORIZE THE PURCHASING OFFICER TO EXECUTE THE PURCHASE ORDER ON BEHALF OF THE CITY.

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Item C-6

(Out of Sequence)

CC - FOUR FIFTHS VOTE REQUIREMENT: Approval of a Budget Amendment to Record the Revenue of \$254,338 and Appropriation of \$199,416 in FY 2019-2020 for the Youth Reinvestment Grant Program

Onyx Jones, Chief Financial Officer, pointed out that the item was to establish the budget for the grant; she noted that the City was in receipt of one third of the grant; acknowledged the need to amend the budget; discussed the intended use of funds; and opportunities for the City.

Serena Wright-Black, Assistant City Manager, expressed appreciation for the additional resources; reported attending an orientation with Onyx Jones in Sacramento; and she discussed communities supporting youth reinvestment.

THAT THE CITY COUNCIL: APPROVE A BUDGET AMENDMENT TO RECORD THE REVENUE OF \$254,338 AND THE APPROPRIATION OF \$199,416 IN FY 2019/2020 FOR THE YOUTH REINVESTMENT GRANT PROGRAM (A BUDGET AMENDMENT REQUIRES A FOUR-FIFTHS VOTE).

MOVED BY COUNCIL MEMBER LEE, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT

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CALENDAR ITEMS C-1 THROUGH C-6.

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Item C-1

CC:HA:SA - Approval of Cash Disbursements for September 14, 2019 to October 4, 2019

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE CASH DISBURSEMENTS FOR SEPTEMBER 14, 2019, 2019 TO OCTOBER 4, 2019.

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Item C-2

CC:HA:SA - Approval of Minutes for the Special City Council Meetings on September 16, 2019 and September 24, 2019 and the Regular Consolidated City Council Meeting on September 23, 2019

THAT THE CITY COUNCIL, HOUSING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY BOARD: APPROVE MINUTES FOR THE SPECIAL CITY COUNCIL MEETINGS ON SEPTEMBER 16, 2019 AND SEPTEMBER 24, 2019 AND THE REGULAR CONSOLIDATED CITY COUNCIL MEETING ON SEPTEMBER 23, 2019.

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Item C-5

CC - Approve the Conversion of Unclaimed Funds in the Possession of the Police Department to the Police Unrestricted/Conversion Account, Effective November 4, 2019, Pursuant to Culver City Municipal Code Section 3.04.310

THAT THE CITY COUNCIL: APPROVE THE CONVERSION OF \$160,000.00 IN UNCLAIMED FUNDS IN THE POSSESSION OF THE POLICE DEPARTMENT TO THE POLICE-UNRESTRICTED/CONVERSION ACCOUNT (10140200.386310), EFFECTIVE NOVEMBER 4, 2019 PURSUANT TO CULVER CITY MUNICIPAL CODE SECTION 3.04.310.

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Public Hearings

Item PH-1

CC - CONTINUATION OF PUBLIC HEARING TO JANUARY 13, 2020: Introduction of an Ordinance establishing "Corporate Housing" as a use within the Hotel/Motel Land Use Category, Amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.220.015 - Commercial District Land Uses and Permit Requirements, 17.320.020 - Number of Parking Spaces Required, and 17.700.010 - Definitions, Zoning Code Amendment P2019-0058-ZCA

MOVED BY COUNCIL MEMBER LEE, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES.

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

MOVED BY COUNCIL MEMBER SMALL, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: CONTINUE THE PUBLIC HEARING TO JANUARY 13, 2020 REGARDING THE FOLLOWING MATTER: INTRODUCTION OF AN ORDINANCE ESTABLISHING "CORPORATE HOUSING" AS A USE WITHIN THE HOTEL/MOTEL LAND USE CATEGORY, AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17: ZONING CODE; SECTION 17.220.015 - COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, 17.320.020 - NUMBER OF PARKING SPACES REQUIRED, AND 17.700.010 - DEFINITIONS, ZONING CODE AMENDMENT P2019-0058-ZCA.

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Item PH-2

CC - PUBLIC HEARING: (1) Introduction of an Ordinance Repealing and Replacing Sections 9.02.005-9.02.075 ("Fire Code Adoption and Amendments") of Chapter 9.02 of Title 9 of the Culver City Municipal Code and Adopting By Reference the 2019 California Fire Code with Local Amendments; and (2) Adoption of a Resolution Making Express Findings for the Modification of the Fire Code Based on Local Climatic, Geological, and Topographical Conditions

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE RECEIVED.

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

Mayor Sahli-Wells invited public input.

No cards were received and no speakers came forward.

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

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

1. INTRODUCE AN ORDINANCE REPEALING AND REPLACING CHAPTER 9.02 OF TITLE 9 OF THE CULVER CITY MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2019 CALIFORNIA FIRE CODE, WITH LOCAL AMENDMENTS; AND

2. ADOPT A RESOLUTION MAKING EXPRESS FINDINGS FOR MODIFICATION TO THE FIRE CODE BASED ON LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS.

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Action Items

Item A-1

CC - Authorization to Release a Request for Proposals to Prepare a Physical Master Plan for Commercial Property in the Fox Hills Area (Reimagine Fox Hills)

Todd Tipton, Economic Development Manager, provided a summary of the material of record.

Mayor Sahli-Wells invited public comment.

The following member of the audience addressed the City Council:

Judi Sherman, speaking on behalf of the Fox Hills Neighborhood Association Board, thanked Todd Tipton and Elaine Gerety Warner for their efforts noting that the Board would help facilitate outreach.

Mayor Sahli-Wells thanked Ms. Sherman for her outreach efforts.

Discussion ensued between staff and Council Members regarding ensuring that outreach includes areas outside of the study area; stakeholders in the sphere of influence; previously held Community Conversations; and mailed notices.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: AUTHORIZE THE RELEASE OF A REQUEST FOR PROPOSALS TO PREPARE A PHYSICAL MASTER PLAN FOR COMMERCIAL PROPERTY IN THE FOX HILLS AREA (REIMAGINE FOX HILLS).

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Item A-2

CC - (1) Appointment to the Committee on Homelessness for an Unscheduled Vacancy Expiring June 30, 2020; (2) Direction to the City Clerk Related to the Unscheduled Vacancy on the Disability Advisory Committee and an Upcoming Vacancy on the Board of Trustees of the Los Angeles County West Vector and Vector-Borne Disease Control District; and (3) Discussion and (If Desired) Direction to the City Clerk Related to a Term Length Adjustment for the Disability Representative Resident Position on the Bicycle and Pedestrian Advisory Committee

Jeremy Green, City Clerk, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

No cards were received and no speakers came forward.

Discussion ensued between staff and Council Members regarding applicant experience; preferences; encouragement to those not appointed to reapply; and clarification that the next round of appointments will be in spring 2020 for commencement of service on July 1, 2020.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER FISCH AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPOINT COLLETTE HANNAH TO THE COMMITTEE ON HOMELESSNESS (COH) FOR AN UNEXPIRED TERM, ENDING JUNE 30, 2022.

Additional discussion ensued between staff and Council Members regarding options to fill the vacant position on the Disability Advisory Committee (DAC) for a partial term; engaging as many people as possible in the process; outreach to the existing pool of applicants; length of the process; scheduling; the bylaws; criteria for appointment; starting with previous applicants to the DAC and then going out to the broader pool if the original applicants are not available; applications targeted to other positions; the term and procedure for appointments to Vector Control; and support for having Jay Garacochea continue on the Board for another year and return to the City Council to make periodic reports.

MOVED BY COUNCIL MEMBER FISCH, SECONDED BY VICE MAYOR ERIKSSON AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: APPOINT JAY GARACOCHEA TO THE BOARD OF TRUSTEES OF THE LOS ANGELES COUNTY WEST VECTOR AND VECTOR-BORNE DISEASE CONTROL DISTRICT .

Discussion ensued between staff and Council Members regarding synchronizing the disability resident position of the Bicycle and Pedestrian Advisory Committee (BPAC) with the Disability Advisory Committee (DAC) position; coordination; the current situation where one person serves in two positions; length of the terms; clarification that neither body has term limits; and support for the dedication of Robyn Tenensap.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: EXTEND ROBYN TENENSAP'S CURRENT APPOINTMENT AS THE DISABILITY REPRESENTATIVE RESIDENT POSITION ON THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FROM JUNE 30, 2021 TO JUNE 30, 2023.

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Item A-3

CC - Introduction of an Ordinance Amending Certain Provisions of Chapter 11.15, Tobacco Retailer Licensing, of the Culver City Municipal Code to Prohibit the Sale of Flavored Tobacco Products, Including Menthol

Heather Baker, Assistant City Attorney, provided a summary of the material of record.

Mayor Sahli-Wells invited public input.

The following members of the audience addressed the City Council:

Monty Messex, Los Angeles Department of Public Health, Tobacco Control and Prevention Program, provided a handout on Hookah Myths and Realities; presented information regarding flavored tobacco products and tobacco retail licensing; he discussed warnings from the Federal Drug Administration and US Surgeon General warnings about the way flavored tobacco products help new users get started and lead to long term addiction; the youth vaping epidemic; menthol cigarettes; youth initiation; prohibition of cessation; relapse; hookah smoking; actions of other area cities to regulate the sale of flavored tobacco; and actions of the county of Board of Supervisors.

Discussion ensued between Mr. Messex staff and Council Members regarding other ordinances; the carve out for hookah in the City of Redondo Beach; phase out provisions; whether all hookah tobacco is flavored; clarification that onsite consumption of flavored tobacco would be prohibited as it would be sold; compliance with the California Smoke-Free Workplace Law; requirements to be a tobacco shop; the definition of a sale; age restrictions; enforcement; licensing; inspections; the annual survey; statistics indicating the amount of tobacco products sold to underage users; internet sales; jurisdiction; state authority; retail presence; carve outs in Beverly Hills; and the California Department of Fee and Tax Administration.

Hilicia Guerra, Culver City Youth First Tobacco Coalition, discussed the number of deaths annually attributed to smoking and tobacco use; current trends; underestimation of risks; addiction; popularity of hookah bars and cafes and increased usage; availability of friendly flavors; hookah as a gateway;

misinformation about the risks; and increased nicotine and carbon monoxide exposure with hookah use over tobacco use.

Lydia Lising, Culver City Youth First Tobacco Coalition, discussed recent tobacco prevention efforts in Culver City and she provided highlights of the resolution passed by the Culver City School Board in support of protecting young adults from flavored tobacco products.

Charles J. Smith, American Cancer Society Cancer Action Network Volunteer, provided background on himself; introduced the president of the Culver City Kiwanis Club; applauded the City for their efforts; discussed increased use of flavored tobacco; the teen epidemic; efforts designed to target youth and addict them; and he asked the City Council to support a ban.

JJ Jenkins provided background on himself; discussed a campaign of misinformation; vaping hysteria; closure of his stores; the feeling that actions to ban flavored tobacco are hypocritical if cigarettes are not targeted as well; funding of the non-profits by cigarette taxes; decreases to rates of smoking; promotion of smoke-free living; and the normal actions of kids to experiment with risky behaviors.

Mayor Sahli-Wells received clarification the that proposed ban is on flavored tobacco whether it is smoked traditionally or vaped including menthol cigarettes, but that vaping itself is not targeted therefore non-flavored vaping and non-flavored tobacco are not affected.

Spencer Lyons, American Cancer Society Cancer Action Network, discussed their commitment to eliminate cancer as a major health issue; expressed support for efforts to end the sale of flavored tobacco, including menthol in Culver City; provided statistics regarding youth tobacco use; encouraging a generation of tobacco-free kids; and he expressed support for a ban on the sale of flavored tobacco without restrictions.

Jane Steinberg, USC Public Health, expressed support for the commitment of the City to protect public health; discussed growing health concerns related to the rapid increase of multiple types of tobacco products among youth; the perception that hookah use is mainly by those over 21 years old; recent data indicating that hookah and water pipe tobacco use had the highest prevalence; the perception that hookah is a harmless water vapor; measurement of air pollution from hookah bars and lounges; clarification that hookah smoking has many of the same

health risks as cigarette smoking; and she expressed concern with allowing the continued sale of flavored tobacco products for 21 and over establishments as that loophole could undermine the whole purpose of the flavor restriction.

Dr. Tomas Torices, American Academy of Pediatrics in Southern California, provided background on the organization; expressed support for a ban on flavored tobacco products including menthol; discussed nicotine addiction in youth; statistics indicating increased usage; the generational impact; the campaign for Tobacco Free Kids Coalition; he distributed a letter of support for the ban; and he provided suggested language to address loopholes caused by a carve out that resulted in the creation of new establishments in Oakland.

Jaime Rojas, National Association of Tobacco Outlets, provided statistics; discussed jurisdictions; the existing prohibition of the sale of tobacco to those under 21 years of age; levels of code enforcement and education; retailer sting operations; internet sales; purchase of products by adults for their children; and he asserted that those areas that have prohibited sales have seen an increase in usage.

Amer Algazairy, Blow Hookah Lounge; asserted that the flavored tobacco ban would negatively affect the business and community; provided background on the business; indicated that he would be out of a job if the ban is enacted; he asserted that he had never allowed anyone under 21 years old to enter the facility; discussed the average age of patrons; he did not think underage hookah smoking was an issue in Culver City; and he discussed benefits of hookah smoking.

Linda Becker, Nirvana Smoke and Gift, provided background on herself and her business; discussed policies for admission to her business; asserted that she had never sold to minors or had any issues; felt that her business provided a service; she expressed support for small businesses; and she indicated that she would adhere to any new verification systems required.

Courtney Hamilton, California Association of Responsible Retailers, expressed support for stopping those under 21 from smoking tobacco products; discussed ways to stop youth from using tobacco products; the need for public education and a rise in excise taxes; expressed support for restrictions on TRLs and for a tobacco ban on places of sale that are not 21 and over; the last line of defense between youth smoking and access; online providers; and forums dedicated to vaping.

Andrew Mikthaniel, Blow Hookah Lounge, discussed his business; underage vaping concerns; age requirements for admission; allowing adults to engage in risky activities at their discretion; he asserted that his business had never violated any laws or ordinances; reported that he was not selling or promoting tobacco to users outside of his business; he asserted that the ban would amount to discrimination; he asked to be grandfathered in; expressed concern with statistics being cited against hookah; and he asked the City not to shut down his business.

Ihab Alshekh provided background on himself; asked for an exemption for age restricted businesses; noted the threat to his livelihood; discussed potential losses beyond lease and inventory; internet sales; dispensaries; diligence with refusal to sell to anyone under 21 years of age; and he asked to meet with staff.

Shonte Powers spoke representing the hookah community; asked for an exemption; discussed tradition; and she urged the City Council to stay focused on the current crisis and exempt hookah.

George Jonson clarified that unflavored hookah tobacco does not exist; discussed the exemption granted in SB 38; the exemption in Burbank, El Cajon and Redondo Beach; and he stated that traditional hookah smokers are not habitual.

Morris Pouldar asserted that his service station would be negatively impacted by the ban; felt that revenue would be pushed out of town and that products would be purchased somewhere else; discussed internet purchases; he questioned what would be achieved by banning retailers from selling flavored tobacco; he did not want to lose existing customers; discussed products harmful to children that are getting into schools; the need to consider the whole picture; taking responsibility; and he asserted that his business did not sell to under age users.

Josefina Diaz read part of the City's mission statement; thanked the City Council for their dedication and service to the community; questioned what changes could be made in the community and beyond; discussed grandfathering in establishments; and standing behind quality of life for the people in the City and for the future.

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

Sherwood Kingsley
Paul Ehrlich
Sam Johnson
Justin Ross
Elliot Peters
Allison Bubar

Discussion ensued between staff and Council Members regarding variables to consider including the effective date, hookahs, and the amortization period for adult only use; exemptions; existing vs. new businesses; making a difference in the City; education; limiting rather than expanding; posting required notices about dire health affects; the concentration of nicotine, metals and chemicals in flavored vaping products; becoming part of a response to growing nicotine use; stopping addiction before it starts; the explosion of youth smoking; overall public health concerns; reducing access and normalization; including menthol in the ban; clarification that e-cigarettes would not be not banned, just flavored tobacco; whether to grandfather in the one hookah lounge in the City; cultural aspects to consider; adult cigar shops; monthly revenue from flavored tobacco at tobacco stores; the timeline; inventories; length of lease; being clear on the goal of the ban; FDA regulation of flavored vaping products; changes at a national level; the internet; making a real change vs. sending a message; existing operators; lung issues related to people who vape THC; allowing cannabis in Culver City; consistency; logic; allowing adults to make choices with legal products; effective restrictions for those under 21; negligence of the FDA; deaths related to vaping; the pull out of big tobacco from the San Francisco ballot measure; paid advocates from big tobacco; the importance of addressing the crisis; the need to act; grass roots, community driven public health; concern that statements indicating that there are health benefits to vaping are not science; unregulated additives in vaping; ensuring that ownership does not keep turning over if an exemption is granted to the hookah lounge; providing a lookback provision; enforcement; concern with driving more use to hookah; making sure the hookah exemption is really a cultural exemption and not just a loophole; allowing a longer period of time to phase out tobacco only age restricted shops; the ability for parents to control internet purchases; concern with increased usage by youth; the Youth Reinvestment grant; the need for additional education; addressing the real issue of using flavors to addict children; poisonings; cities that are going farther than what is being proposed; acknowledgement that smoking is not healthy; the need for a more robust program to get the message to youth;

assurances from the stores that they do not sell to underage users; concern with financial obligations for the businesses; accommodating the smoke shops; the period of time that the county allowed businesses to sell existing inventory; signage for hookah lounges; having a separate amortization for adults only establishments; the recent addition of flavored vaping products and inherent risk with investment; banning vapor products with THC; concern with making things worse; vaping as the second most common way of ingesting cannabis; information from the public health sector; nicotine based vapes leading to cigarette use; and people with chronic pain conditions.

Additional discussion ensued between staff and Council Members regarding the exemption for the hookah lounge for onsite consumption only, with follow up to ensure that there is no presence of any minors on the premises and that an uptick in use is not being seen overall; moving forward with the ban on flavored tobacco; establishing a standard of identification control and access in and out; concern with allowing a period of more than a year; effects of a flavor ban on the smoke shops; stores that existed before vaping; business tax certificates; allowing time to introduce new products and build revenue; revenue percentages to qualify as a tobacco store; concern that people do not realize that hookah is dangerous; ensuring that people do not believe hookah is somehow healthier; perception issues; and additional information and data points.

Heather Baker, Assistant City Attorney, read back the proposed components for the ordinance: including an exemption for the existing hookah lounge with the existing owner and language to ensure that it does not transfer ownership; existing tobacco stores will be given a 12-month amortization period; tobacco retail stores will be given 180 days before the flavor ban takes affect; and a 12 month look back on the operation of the hookah lounge.

MOVED BY COUNCIL MEMBER LEE, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 11.15, TOBACCO RETAILER LICENSING, OF THE CULVER CITY MUNICIPAL CODE TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS, INCLUDING MENTHOL WITH OPTIONS AS STATED.

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Public Comment - Items Not on the Agenda

Mayor Sahli-Wells invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

Council Member Small noted that the City Council had approved the application for a one million dollar planning grant for Ballona Creek that will enable completion of a lot of work and lead toward realization of a larger project.

Discussion ensued between staff Council Members regarding use of the grant money; outreach; and demonstration projects.

Mayor Sahli-Wells indicated that she would be participating in a CalBike panel in downtown Los Angeles as well as a panel for the League of California Cities with Tripepi Smith on "The Sixth Council Member: Social Media", and she announced the LA Conservancy City Tour on October 20.

Vice Mayor Eriksson encouraged interested Council Members to make arrangements to attend the National League of Cities Yearly Conference as time is getting short.

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Council Member Requests to Agendize Future Items

- Exploration of a friendship City status with Uddevalla, Sweden
- Consideration of the ramifications of a proposed ballot measure to require that renter protections go to a public vote before being voted on by the City Council

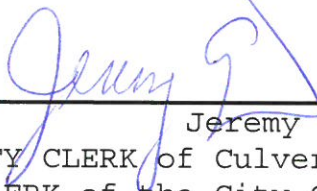
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October 14, 2019

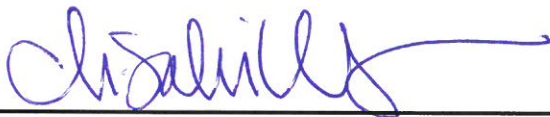
Adjournment

There being no further business, at 10:58 p.m., the City Council, Successor Agency to the Culver City Redevelopment Agency Board, and Culver City Housing Authority Board adjourned in memory of Laura Frakes to October 28, 2019.

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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



MEGHAN SAHLI-WELLS
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: 28 October 2019