



City of Culver City

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Staff Report

File #: 21-455, **Version:** 1

Item #: C-16.

CC - Adoption of a Resolution Confirming the October 30, 2020 Twenty-Ninth Supplement to Public Order (Modified Indoor Operation of Personal Care Establishments; Clarification Regarding Food Court Dining Areas in Indoor Malls and Shopping Centers; Conditional Outdoor Operation of Miniature Golf, Batting Cages, and Go Cart Racing; Percentage of Students Permitted on K-12 Campus with IEPs and Els and Other High Needs Increased to 25%; Conditional Opening of Wineries and Breweries for Outdoor Dining Operations; and Temporary Limit on Third Party Food Delivery Service Fees) 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.

Meeting Date: November 9, 2020

Contact Person/Dept: Jesse Mays/City Manager's Office
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Fiscal Impact: Yes ☒ No ☐ **General Fund:** Yes ☒ No ☐

Public Hearing: ☐ **Action Item:** ☐ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (11/04/2020)

Department Approval: John M. Nachbar, City Manager (11/04/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the October 30, 2020 Twenty-Ninth Supplement to Public Order (Modified Indoor Operation of Personal Care Establishments; Clarification Regarding Food Court Dining Areas in Indoor Malls and Shopping Centers; Conditional Outdoor Operation of Miniature Golf, Batting Cages, and Go Cart Racing; Percentage of Students Permitted on K-12 Campus with IEPs and Els and Other High Needs Increased to 25%; Conditional Opening of Wineries and Breweries for Outdoor Dining Operations; and Temporary Limit on Third Party Food Delivery Service Fees), 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.

BACKGROUND

After the City Manager declared a Local Emergency on March 14, 2020, on March 16th, he issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19. ("March 16 Order"). The March 16 Order included, among other things, temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity.

Since the issuance of the March 16 Order, a number of supplemental orders have been issued, to follow the lead of the State of California and to be consistent with the Los Angeles County Department of Public Health, as well as a number of our neighboring communities, including the City of Los Angeles, while addressing Culver City specific issues where needed.

On May 29, 2020, the Los Angeles County Department of Public Health revised its "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles through Stage 2 of California's Pandemic Resilience Roadmap", to allow additional businesses to conditionally re-open. The County of Los Angeles is following the State of California's phased re-opening that progressively designates sectors, businesses, establishments or activities that may reopen or resume, with necessary modifications to protect the public health and safety, and to lower the risk of transmission of COVID-19.

Additional Los Angeles County Orders were issued in June 2020, to continue to align with the State of California as it moves through Stage 2 of the Resilience Roadmap, by allowing activities to resume and businesses to safely re-open. The City Manager issued further supplemental orders through June 19, 2020, in alignment with the County orders, as well as orders unique to Culver City. to assist with the recovery of existing businesses and help new businesses establish themselves.

In late June and early July, 2020, due to increases in the daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer issued revised orders, in alignment with the California Governor's announcements, requiring the closure of specific activities and business sectors, superseding previous orders (which had allowed many businesses to reopen), to address the serious regression of COVID-19 indicators within Los Angeles County. Such closures of certain higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, superseded any previous openings permitted in Culver City.

In early October 2020, the County of Los Angeles Public Health Officer revised its Order and protocols to phase in various limited reopenings and recreational activities. On October 14, 2020, the County of Los Angeles Public Health Officer revised its Order to allow private gatherings of persons from no more than three households, subject to public health protocols.

DISCUSSION

On October 23, 2020, the Los Angeles County Public Health Officer issued two updated Safer at Work and in the Community Orders: a Blueprint for a Safer Economy - Tier 1, and an Order specific to the conditional reopening of wineries and breweries for outdoor dining operations.

Additionally, neighboring cities, including Beverly Hills, Santa Monica, West Hollywood, and the City

of Los Angeles, have set maximum fees that Third Party Food Delivery Services may charge to Retail Food Establishments. On October 26, 2020, City Council directed the City Manager to include in a Public Order a limit on the fees consistent with neighboring cities.

October 30th Twenty-Ninth Supplement to Public Order

To continue to support the safe operation and recovery of business sectors and outdoor activities, and to align with the activities being allowed by Los Angeles County, on October 30, 2020, the City Manager issued the Twenty-Ninth Supplement to Public Order (October 30 Order). The October 30 Order allowed the modified indoor operation of personal care establishments; clarification regarding food court dining areas in indoor malls and shopping centers; conditional outdoor operation of miniature golf, batting cages, and go cart racing; percentage of students permitted on K-12 Campus with IEPs and Els and other high needs Increased to 25%; and the conditional opening of wineries and breweries for outdoor dining operations.

Additionally, the October 30 Order placed a temporary limit on third party food delivery service fee, or other fees, commissions, or costs, that Third Party Food Delivery Service providers may charge a Retail Food Establishment. Delivery Fees may not total more than 15% of the purchase price of an online order, and any combination of fees, commissions, or costs, may not be greater than 5% of the purchase price of each online order.

Confirmation of Public Orders

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the October 30 Order (Attachment 1).

FISCAL ANALYSIS

There may be staff costs associated with the enforcement of the October 30 Order; however, it is not estimated to be material at this time. If staff incurs any overtime with the enforcement of the Order, the overtime will be tracked and included with the FEMA reimbursement requests.

ATTACHMENTS

2020-11-09_ATT_Proposed Resolution Confirming October 30, 2020 Public Order

MOTION

That the City Council:

Adopt a Resolution confirming the October 30, 2020 Twenty-Ninth Supplement to Public Order (Modified Indoor Operation of Personal Care Establishments; Clarification Regarding Food Court Dining Areas in Indoor Malls and Shopping Centers; Conditional Outdoor Operation of Miniature Golf, Batting Cages, and Go Cart Racing; Percentage of Students Permitted on K-12

Campus with IEPs and EIs and Other High Needs Increased to 25%; Conditional Opening of Wineries and Breweries for Outdoor Dining Operations; and Temporary Limit on Third Party Food Delivery Service Fees), 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.