



# City of Culver City

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## Staff Report

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**CC - (1) Consideration of the Economic Development Subcommittee's Recommendation to Pursue Digital Informational Kiosks in the Public Right-of-way; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** October 11, 2021

**Contact Person/Dept:** Todd Tipton - CDD/Economic Development

**Phone Number:** (310) 253-5783

**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 (09/22/2021 and 10/07/2021); Culver City Chamber of Commerce (09/22/2021)

**Department Approval:** Sol Blumenfeld, Community Development Director (09/16/2021)

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### **RECOMMENDATION:**

Staff recommends the City Council (1) consider the Economic Development Subcommittee's recommendation to pursue digital information kiosks (Kiosks) in the public right-of-way; and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND:**

A Kiosk is a communication platform that conveys digital messaging on display screens. Kiosks can often be found in shopping malls and convention centers, and are typically used for wayfinding, informational and business promotion purposes. Kiosks can also convey information related to mobility, social and emergency services, air quality, traffic, weather, and public messaging among other things.

On April 8, 2019 the City Council received a presentation from a Kiosk manufacturer regarding the proposed installation of informational Kiosk in the public right-of-way. The manufacturer was proposing to install, manage and share Kiosk revenues with the City generated from rotating

advertising displays on the Kiosk. Upon conclusion of the presentation, the City Council referred the item to the Smart Cities Subcommittee for further discussion. Following the City Council meeting the manufacturer withdrew its proposal.

As stated in the April 8, 2019 staff report, Culver City Municipal Code (CCMC) Chapter 17.330 - Signs (Sign Code) currently prohibits privately owned or controlled signs in the public right-of-way, with a few exceptions. In addition, the Sign Code generally prohibits offsite signs, defined as “any sign with a message that does not relate directly to an active use of the premises on which it is displayed.” Further, there are restrictions on the type of signage- for example, electronic message signs are only permitted if the information displayed is public information; and digital signs are not permissible (digital signs currently are not contemplated by the Sign Code). If the City Council is interested in pursuing Kiosks, the Sign Code and potentially other zoning provisions of the CCMC would likely need to be amended. Further, if the CCMC were to be amended, there are certain legal issues that must be evaluated in relation to the sign regulation, as more fully described in the April 8, 2019 staff report (Attachment 1).

## **DISCUSSION:**

Since 2019 Kiosks have continued to evolve and the number of companies producing them has increased. Members of the Economic Development Subcommittee (Council Members Eriksson and Vera) were approached by another manufacturer, who is interested in installing Kiosks in the right-of-way. The Economic Development Subcommittee believes Kiosks are a useful communication tool that can assist the City with its pandemic recovery efforts by providing wayfinding and multi-modal trip planning, enhanced access for those with disabilities, and proximity-based information that promotes area businesses, organizations, and destinations.

### **Options**

Staff has identified the following options for the City Council’s consideration:

1. Work with the Economic Development Subcommittee to better understand the technology, identify qualified vendors and develop a Request for Proposals (RFP) that will be presented to the City Council for consideration at a future date;
2. Work with the Economic Development Subcommittee to identify a preferred vendor, without going through the RFP process;
3. Decline to pursue Kiosks.

### **Future Steps**

As discussed in April 2019, if the City Council is interested in pursuing a Kiosk program and identifies a preferred vendor, staff recommends the City enter into an agreement with the selected vendor setting forth, but not limited to, the following conditions:

- The selected vendor would fund the City’s hiring of outside legal consultant(s) who would assist with evaluating the First Amendment issues associated with studying, drafting, and

processing proposed CCMC amendments. Such funds would be nonrefundable, even if the City Council ultimately decided to not move forward with the Kiosk program;

- City would prepare any agreements with the selected vendor and with any nonprofit entity that might assist in running the Kiosk program, including policies regarding the active and passive modes in which the City maintains control of the messages displayed;
- As a condition of implementing the Kiosk program, the selected vendor would be required to indemnify and defend the City for any third-party challenges to the program, including reasonable attorneys' fees;
- If a legal challenge materializes at any time during the program, the City reserves its right and full discretion to require removal of the Kiosks or removal of all non-public information displayed on the Kiosks; and
- All future public meeting notices would include potential stakeholders and businesses in areas where Kiosks are proposed to be installed.

If an agreement is reached, then staff and the City Attorney's Office would work with the selected vendor to further refine its proposal (i.e., specific locations for the kiosks) and return to City Council at a future meeting with proposed locations and proposed CCMC amendments for City Council's consideration.

### **FISCAL IMPACT:**

There is no fiscal impact associated with the City Council discussing the Economic Development Subcommittee's recommendation.

### **ATTACHMENTS:**

2021-10-11\_ATT\_April 8, 2019 Staff Report

### **MOTION:**

That the City Council:

1. Consider the Economic Development Subcommittee's recommendation to pursue digital information kiosks in the public right-of-way; and
2. Provide direction to the City Manager as deemed appropriate.