REGULAR MEETING OF THE CITY COUNCIL, CITY OF CULVER CITY, CALIFORNIA

March 28, 2011
5:30 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 5:30 p.m.

Present: Christopher Armenta, Mayor
Micheál O'Leary, Vice Mayor
Jeffrey Cooper, Councilmember
Andrew Weissman, Councilmember
D. Scott Malsin, Councilmember

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Closed Session

The City Council adjourned to Closed Session to discuss the following items:

CS-1 Conference with Real Property Negotiators
Re: Washington National TOD – Venice Property at 8906 Venice Boulevard
City/Agency Negotiators: John Nachbar, City Manager/ Executive Director; Sol Blumenfeld, Assistant Executive Director/Community Development Director; Todd Tipton, Deputy Community Development Director/Redevelopment Administrator
Other Parties Negotiators: Venice Pacific Investments, L.P. (Bill Feldman) 8906 Venice Boulevard
Under Negotiation: Price, terms of payment or both, including use restrictions, development obligations and other monetary related considerations
Pursuant to Government Code Section 54956.8

CS-2 Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – One Matter
Pursuant of Government Code Section 54956.9(c)

CS-3 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(b)(1)

CS-4 Conference with Labor Negotiators
City designated representatives: Serena Wright, Director of Human Resources
Employee Organization: City Attorney
Pursuant to Government Code Section 54957.6

CS-5 Conference with Real Property Negotiators
Re: Property at 9910 Jefferson Blvd., Culver City, CA 90232 (Culver City Park)
City Negotiators: City Manager John Nachbar; Acting Director of Parks and Recreation Pam Robinson
Other Parties Negotiators: Culver City Little League, American Youth Soccer Organization
Pursuant to Government Code Section 54956.8

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Recess

The City Council recessed to Closed Session at 5:30 p.m.

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Reconvene

The City Council reconvened its meeting at 7:10 p.m., with all Councilmembers present.

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Invocation/Pledge of Allegiance

The Invocation was given by John Nachbar, City Manager, and the Pledge of Allegiance was led by Barbara Honig.

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Closed Session Report

Mayor Armenta indicated there was nothing to report out of closed session except that Closed Session Item CS-2 on the Redevelopment Agency agenda had not been discussed.

Presentations

Item P-1

A Proclamation of the City Council Declaring Thursday, March 31, 2011 as Cesar Chavez Day.

Ellie Prsha, joined by members of the Culver City Sister City Association, thanked the City Council for the recognition.

Mayor Armenta read the proclamation in its entirety.

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Public Comment – Items Not on the Agenda.

Mayor Armenta invited public comment.

The following members of the audience addressed the City Council:

Christopher King, Culver City Chamber of Commerce, thanked Councilmember Malsin for voicing his strong opposition to the demise of redevelopment agencies to State Treasurer Bill Lockyer at a recent Chamber of Commerce luncheon.

Councilmember O'Leary made note of his and Councilmember Cooper's attempts to address the issue with Mr. Lockyer as well.

Richard Rownak discussed a new book about the movie studios of Culver City; questioned when the empty lots at Centinela Avenue and Washington Boulevard would be developed; and he pointed out a reference to Carol Schwab as City Manager in an attachment for Agenda Item C-3 [Approval of an Executive Employment Agreement for Carol Schwab Continuing her Appointment as City Attorney].

Martin Cole, Assistant City Manager/City Clerk, clarified that Mr. Rownak had a caught a typo that would be corrected.

Councilmember Malsin reported that several new restaurants would be coming into the empty area that Mr. Rownak was asking about.

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Public Hearing

Item PH-1

Adoption by Reference of the 2010 California Building Code and Consideration of a Resolution Adopting Exceptions Thereto (Request to Continue Public Hearing to May 2, 2011).

MOVED BY COUNCILMEMBER COOPER, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONTINUE THIS PUBLIC HEARING TO MONDAY, MAY 2, 2011 AT 7:00 P.M.

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Item PH-2

Approval of Zoning Code Amendment, ZCA P-2009183, to Amend Section 17.220.020, Table 2-6 and Figure 2-1; and Section 17.220.035 of the Culver City Municipal Code, to Modify Building Height and Setback Requirements In the Commercial Neighborhood (CN), Commercial General (CG), and Commercial Downtown (CD) Zones to Address Issues of Compatibility with Abutting Residential Zones. (Request to Continue Public Hearing to May 2, 2011).

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CONTINUE THIS PUBLIC HEARING TO MONDAY, MAY 2, 2011 AT 7:00 P.M.

Consent Calendar

Councilmember O'Leary received clarification regarding billing procedures for Item C-4 [Approval of an Agreement with Southern California Edison to Fund Street Light Upgrades through On-Bill Financing].

Discussion ensued between the City Council and staff regarding the program design; paying off the loan early; the amount of money as too small to be worth the effort of setting up a special agreement with Edison; setting up a savings program to upgrade systems with energy efficiencies; rebates; and street lamp upgrades.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CONSENT CALENDAR ITEMS C-1, C-2, C-4 AND C-6.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE THE MINUTES FOR THE SPECIAL MEETING OF FEBRUARY 17, 2011; THE MINUTES OF THE ADJOURNED REGULAR MEETING OF FEBRUARY 22, 2011; AND THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 28, 2011 AS SUBMITTED.

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Item C-2

Cash Disbursements

THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR MARCH 5, 2011 – MARCH 18, 2011.

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Item C-4

Approval of an Agreement with Southern California Edison to Fund Street Light Upgrades through On-Bill Financing.

THAT THE CITY COUNCIL:

1. APPROVE AN AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR THE ON-BILL FINANCING PROGRAM; AND,

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Item C-6

Approval of Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the Bristol Sewer Pump Station Site Improvements, P-521.

THAT THE CITY COUNCIL:

1. APPROVE THE FINAL PLANS AND SPECIFICATIONS AND;

2. AUTHORIZE THE PUBLICATION OF A NOTICE INVITING BIDS FOR THE BRISTOL SEWER PUMP STATION SITE IMPROVEMENTS PROJECT, P-521.

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The following Consent Calendar items were discussed and voted on separately:

Item C-3

Approval of an Executive Employment Agreement for Carol Schwab Continuing her Appointment as City Attorney.

The following member of the audience addressed the City Council:

Richard Rownak voiced his opposition to the renewal of the City Attorney’s contract due to statements she allegedly made which he felt were inaccurate and he expressed concern with being denied due process.

At this time, the City Council expressed support for the City Attorney.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER WEISSMAN AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. APPROVE AN EXECUTIVE EMPLOYMENT AGREEMENT FOR CAROL SCHWAB CONTINUING HER APPOINTMENT AS CITY ATTORNEY EFFECTIVE MARCH 31, 2011; AND,

2. AUTHORIZE THE ASSISTANT CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE MAYOR TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

Carol Schwab, City Attorney, thanked the City Council for the opportunity to continue to serve.

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Item C-5

Adoption of a Resolution Approving an Encroachment Permit Agreement with Pacific Bell Telephone Company, Doing Business as AT&T, for Use of the Public Right-of-Way on Jefferson Boulevard (Near Leahy Street).

Mayor Armenta inquired who repaired the roads after these types of projects as he had concerns regarding the quality of work.

Charles Herbertson, Public Works Director/City Engineer, clarified that AT&T or their contractor would repair the road to the City's standards.

Discussion ensued between the City Council and staff regarding road continuity; moratorium of these types of projects on recently paved streets; uneven trench locations; temporary patches; and T-cuts.

MOVED BY COUNCILMEMBER MALSIN, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2011-R022 APPROVING THE ENCROACHMENT PERMIT AGREEMENT WITH PACIFIC BELL TELEPHONE COMPANY, DOING BUSINESS AS AT&T; AND,

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

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Action Item

Item A-1

Discussion of the Subject of Mobile Food Vendors (Food Trucks) and Direction to the City Manager as Deemed Appropriate.

Martin Cole, Assistant City Manager/City Clerk, provided a summary of the material of record.

John Nachbar, City Manager, discussed different types of enforcement; potential increased demands for enforcement; and business licensing.

Martin Cole, Assistant City Manager/City Clerk, discussed implications of the California Vehicle Code.

Mayor Armenta invited public input.

The following members of the audience addressed the City Council:

Stu Freeman expressed concern with food trucks in the City; discussed the revitalization of the downtown area; the tax base; extra expenses borne by restaurants; the Downtown Business District; fees for sidewalk use; and charges to cover food and debris left behind.

Steven Rose, Chamber of Commerce, asserted that food trucks were a City-wide issue affecting all restaurants; he suggested regulations prohibiting parking within 200 feet of intersections and driveways and instituting a requirement that food grades be posted; he discussed ADA accessibility; sidewalk rental; food truck fees; allowable fundraisers for non-profits; and catering trucks hired by production companies.

Eric Metz expressed support for the food truck revolution; discussed health and safety issues; sanitation issues; locations; his bakery business; and he outlined his requests for restrictions to the food trucks.

David Dressler, Tender Greens Restaurants, discussed starting his business in the City; economic reasons to oppose the proliferation of food trucks; trash issues; crowds in the right of way; and parking and traffic issues.

Monty Bhojak, Samoza House, discussed the impacts of food trucks parked near his business; efforts his business has made to comply with City requirements and be involved in the City; and he suggested ways for the City to mitigate the issue.

John Byers, Downtown Business Association (DBA), asked that the City enforce and update the rules; discussed a letter sent by the DBA; equality and a level playing field; permits; sales tax; and he asked that the City enforce existing laws and consider new laws to protect the health and safety of residents and the investment in the City.

Alan Schulman recounted an incident where a food truck parked in front of City Hall and put out tables and chairs; he discussed enforcement; and he expressed concern with the transient nature of food trucks.

Kevin Lachoff wanted to see the City look into the issue of food trucks; noted common concerns including business licenses and taxes; suggested imposing minimum distances from brick and mortar restaurants; encouraging locations and times for the food trucks to congregate as an actual event; he discussed enforcement; restrictions on setting up tables and chairs; and he felt that fairness and protecting the health and safety of patrons was most important.

David Licht, Kay and Dave’s, echoed previous comments noting that food carts and food trucks go where they know there will be no enforcement.

Yuki Ishiba discussed the impacts of food trucks on local businesses.

Ela Valladares, Deputy City Clerk, read written comments submitted by:

Michael B. Berlin
Terry Grimm
Michelle Weiner
Lynne Davidson
Nancy Sander
Mary Heyl
Thereza Garza, Culver Center

Discussion ensued between the City Council and staff regarding support for the brick and mortar restaurants within Culver City; the California Vehicle Code; the California Health and Safety Code; recognition of resource availability; necessary licenses; ordinance requirements for tags; letter grades and health requirements; traffic and congestion; pedestrian and vehicle safety; encroachment on the public right of way; and public safety implications.

Further discussion ensued regarding regulatory action and unfair competition; encroachments to fee structure; the commissary idea; code enforcement; health department documents; red zones; proximity to schools; whether to provide benefits to food trucks affiliated with brick and mortar restaurants in the City; sales taxes; concern with a lack of investment in the community by food trucks; prohibiting concentrations of food trucks; sign regulations; sidewalk usage; the ability to issue citations; effective auditing; increasing the business tax rate; use of public infrastructure; a suggestion that food trucks pay fees to the Downtown Business Association; exemptions for mobile food vendors who participate in farmers markets and different civic events; the evolution of food trucks; sufficient time to analyze the issue; and addressing City Council comments.

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Public Comment for Items Not on the Agenda – continued.

Mayor Armenta invited public participation.

There was no response.

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Receipt of Correspondence

MOVED BY COUNCILMEMBER WEISSMAN, SECONDED BY COUNCILMEMBER COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

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Items from Staff

No action was taken on this item.

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Items from the City Council

Items Presented by Councilmember O'Leary:

- Inquired if anyone from the City would be attending the California Redevelopment Association Annual Conference.

- Invited the City Council to participate in the Donate Life California Organ and Tissue Donor Registry 5K Race on April 30, 2011. Also requested support for the City to issue a proclamation in April for Donate Life California Month.

  The City Council concurred with the request.

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Items Presented by Councilmember Malsin:

- Reported on the grand opening celebration at Bunnin Chevrolet.

- Thanked staff for their hard work on the Redevelopment Agency-sponsored SpeakEasy event on March 24, 2011.

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Items Presented by Mayor Armenta:

- Requested that a shredder be provided for the City Council to dispose of confidential paperwork.

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Adjournment

There being no further business, at 9:04 p.m., the City Council adjourned its meeting to a meeting to be held on April 4, 2011.

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Ela Valladares
DEPUTY CITY CLERK of the City of Culver City, California
EX-OFFICIO CLERK of the City Council, City of Culver City, California

APPROVED April 25, 2011

CHRISTOPHER ARMENTA
MAYOR of the City of Culver City, California