

MEETING DATE
AGENDA ITEM

11/07/05

Consideration of Adoption of 1) Ordinance Amending Various Provisions of Chapter 7 03 of the Culver City Municipal Code Relating to Parking of Oversized and Commercial Vehicles, 72-Hour Parking Limitation and Vehicle Habitation, and 2) Resolution Adopting a Bail Schedule for Parking violations Under the Culver City Municipal Code and the California Vehicle Code and Rescinding Resolution No 2001-R011

ATTACHMENTS

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1	Proposed Ordinance	1-8
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ATTACHMENT 1

ORDINANCE NO 2005-

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING VARIOUS PROVISIONS OF
CHAPTER 7 03 OF THE CULVER CITY MUNICIPAL CODE
RELATING TO PARKING OF OVERSIZED, NON-MOTORIZED
AND COMMERCIAL VEHICLES, 72-HOUR PARKING
LIMITATION AND VEHICLE HABITATION

WHEREAS, the City of Culver City has experienced an increase in
complaints regarding the parking and/or storage of oversized vehicles, including
recreational vehicles campers, trailers and boats, on City streets in residential and
commercial areas throughout the City, and

WHEREAS, the parking of such vehicles throughout the City has caused the
City and the community concerns regarding safety issues, including reduced visibility of
drivers when backing out of driveways and entering intersections resulting from oversized
vehicles being parked on public streets and rights-of-ways, as well as concerns of, visual
blight and persons living in vehicles, and

WHEREAS, the public streets, highways, parkways and alleys are not
intended to be used for the storage of vehicles or vehicle habitation and

WHEREAS, the City acknowledges that the temporary parking of oversized
and commercial vehicles is reasonably necessary for limited purposes such as activities
that are preparatory or incidental to travel, and the loading and unloading of goods

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1 **NOW THEREFORE** the City Council of the City of Culver City, California
2 **DOES HEREBY ORDAIN** as follows

3 **SECTION 1** Chapter 7 03 of the Culver City Municipal Code is hereby
4 amended to add subchapter 7 03 600, et seq as follows

5 **PROHIBITED AND LIMITED PARKING OF OVERSIZED,**
6 **NON-MOTORIZED AND COMMERCIAL VEHICLES**

7 § 7 03 600 Definitions

8 § 7 03 605 Measurements

9 § 7 03 610 Prohibitions

10 § 7 03 615 Exemption

11 § 7 03 620 Removal and Penalties

12 § 7 03 625 Conflict of Provisions

13 **§ 7 03 600 DEFINITIONS**

14 For the purposes of this subchapter, the following definitions shall
15 apply unless the context clearly indicates or requires a different meaning
16 Any term that is not defined herein shall have the meaning as set forth in the
17 California Vehicle Code

18 **Chief of Police** shall mean the Chief of Police of the City of Culver
19 City or his or her designee

20 **Commercial Vehicle** shall mean any vehicle having more than two
21 axles, or any single commercial vehicle or combination of said vehicles which
22 exceed twenty feet (20) in length, any single commercial vehicle or
23 combination of said vehicles eighty-four inches (84") or more in width, or any
24 single commercial vehicle or combination of said vehicles having a
25 manufacturer s gross vehicle weight rating of ten thousand (10,000) pounds
26 or more A commercial vehicle includes a truck tractor, but does not include
27 a large motor vehicle or non-motorized vehicle as defined herein or a pick-up

truck without a camper or sports utility vehicle

Large Motor Vehicle shall mean any house car, pick up truck with camper, recreational vehicle, or any other vehicle, or combination of vehicles, that measures more than twenty feet (20') in length or is both more than eight-four inches (84") in width and eighty-four inches (84) in height The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or sports utility vehicle

Non-motorized Vehicle shall mean any trailer, boat, or any other device that can be used for transporting persons or property, and is not self-propelled

Motor Vehicle shall mean any passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle or motor-driven cycle, but shall not include a house car

Police Department shall mean the Culver City Police Department

Residential District shall mean any area within the City that is zoned R1, R2, R3, RLD, RMD, RHD, and those portions of PD Zone districts which are specified for residential uses

Vehicle Owner shall mean the registered owner, or person who has possession, custody or control of any motor vehicle large motor vehicle or non-motorized vehicle

§ 7 03 605 MEASUREMENTS

To determine the width or length of the vehicles defined in this subchapter, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included

§ 7 03 610 PROHIBITIONS

A No person shall, at any time, park or leave standing any large motor vehicle or non-motorized vehicle on any public street, highway

1 parkway or alley except

2 1 In residential districts, large motor vehicles or non-
3 motorized vehicles attached to a motor vehicle or large motor vehicle, which
4 are parked adjacent to the vehicle owner's residence, are allowed for a period
5 of time not to exceed forty-eight (48) consecutive hours for the sole purpose
6 of loading, unloading, cleaning, battery-charging or other activity preparatory
7 or incidental to travel

8 2 In residential districts, large motor vehicles, or non-
9 motorized vehicles attached to a motor vehicle or large motor vehicle, which
10 are parked adjacent to the vehicle owner's residence, may be allowed for an
11 additional period of time of up to twenty-four (24) consecutive hours, but no
12 more than a total of seventy-two (72) consecutive hours, provided an
13 extension has been granted by the Chief of Police

14 B Any large motor vehicle or non-motorized vehicle attached to a
15 motor vehicle or large motor vehicle, which is parked on a public street,
16 highway, parkway or alley pursuant to either subsection (A)(1) or (A)(2)
17 hereinabove shall at the end of the permitted period of time whether forty-
18 eight (48) or seventy-two (72) hours, be removed from its location and shall
19 not be parked on any public street, highway, parkway or alley for a period of
20 at least forty-eight (48) hours

21 C No person who owns or has possession, custody or control of
22 any commercial vehicle shall park or leave standing any such vehicle on any
23 public street, highway, parkway, roadway, alley or thoroughfare for more than
24 three (3) hours, except

25 1 For such reasonable period of time in excess of three (3)
26 hours that may be necessary for the purpose of making pick-ups or deliveries
27 of goods, wares, and merchandise from or to any building or structure or for
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the purpose of delivering materials to be used for repair, alteration, remodeling, or construction of any building or structure upon a restricted street or highway, or

2 For such reasonable period of time in excess of three (3) hours that may be necessary when such vehicle is parked in connection with the performance of a service to or on a property in the block in which such vehicle is parked or

3 For such reasonable time in excess of three (3) hours that may be necessary to make emergency repairs

D No person who owns or has possession, custody or control of any motor vehicle, large motor vehicle, non-motorized vehicle or commercial vehicle, which is six feet (6') or more in height, including any load thereon shall park or leave standing any such vehicle on any street or highway within forty-five feet (45') of any intersection

§ 7 03 615 EXEMPTIONS

The provisions of this subchapter shall not apply to the following

A Any government, public utility or emergency vehicle or

B Any motor vehicle, large motor vehicle, non-motorized vehicle or commercial vehicle that is parked on any public street, highway, parkway, roadway alley or thoroughfare pursuant to a permit lease, license or other entitlement issued by the City

§ 7 03 620 REMOVAL AND PENALTIES

A Unless otherwise specified, a violation of any provision of this subchapter shall be deemed a civil offense and punishable by a fine established by resolution of the City Council

B Any vehicle found in violation of this subchapter may be cited or

1 removed or both cited and removed by any member of the Police
2 Department authorized by the Chief of Police in the manner and subject to
3 the requirements of this section and California Vehicle Code Sections 22651
4 and 22651 05

5 C After any vehicle has been removed summarily as provided in
6 subsection (B) above the registered and legal owners of the vehicle shall be
7 given the opportunity for a post-removal hearing to determine the validity of
8 the storage of the vehicle in accordance with California Vehicle Code Section
9 22852

10 D The procedures for hearings provided for in subsection (C)
11 above, shall be established by the Chief of Police and the hearing shall be
12 held by the Chief of Police or his or her designee Said designee shall not be
13 the person who directed the storage of the vehicle

14 E The disposition of any stored vehicle shall be in accordance
15 with California Vehicle Code Sections 22850 5 through 22855

16 **§ 7 03 625 CONFLICT OF PROVISIONS**

17 In the event of any conflict between this subchapter and any other
18 provisions of this Code, this subchapter shall control

19 **SECTION 2** The title of Section 7 03 220 of the Culver City Municipal Code
20 is hereby amended as follows

21 **§ 7 03 220 USE OF STREETS FOR PARKING, STANDING OR**
22 **STORING OF VEHICLES PROHIBITED**

23 **SECTION 3** Sections 7 03 220 (C) (D) and (E) of the Culver City Municipal
24 Code are hereby repealed (Note The provisions of repealed sections (C)(1), (D) and (E)
25 have been relocated and revised in new subchapter 7 03 600, et seq , as set forth above in
26 Section 1 of this Ordinance and the provisions of repealed section (C)(2) have been
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1 revised and adopted as a new section (C) as set forth below in Section 4 of this
2 Ordinance)

3 **SECTION 4** A new Section 7 03 220(C) is hereby adopted to read as
4 follows

5 C Exemptions The provisions of subsections (A) and (B)
6 above shall not apply to the following

7 1 Any government, public utility or emergency
8 vehicle or

9 2 Any motor vehicle, large motor vehicle, non-
10 motorized vehicle or commercial vehicle that is parked on any public
11 street, highway, parkway, roadway, alley or thoroughfare pursuant to a
12 permit, lease, license or other entitlement issued by the City

13 **SECTION 5** Section 7 03 242 of the Culver City Municipal Code is hereby
14 repealed and replaced with a new Section 7 03 242 as follows

15 **§ 7 03 242 REGULATING VEHICLE HABITATION ON PUBLIC**
16 **STREETS AND OTHER PUBLIC PROPERTY**

17 A Except in a verifiable emergency, no person shall use
18 any vehicle parked or standing upon any public street, alley, right-of-
19 way public park or other public property as a temporary or permanent
20 substitute for a residence or dwelling unit

21 B For purposes of this section

22 1 Evidence that a vehicle is being used as a
23 temporary or permanent substitute for a residence or dwelling unit
24 shall include, but not be limited to, use of the vehicle for living,
25 sleeping, cooking and/or bathing purposes,

26 2 The term "vehicle" shall include any boat and any
27 device, operable or inoperable with or without wheels by which any
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person or property may be propelled, moved or drawn upon any street
or highway including, but not limited to, a motor vehicle, mobile home
and trailer

SECTION 6 Pursuant to Section 512 of the City Charter, this Ordinance
shall take effect thirty (30) days after the date of its adoption Pursuant to Sections 514
and 517 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
Culver City News and shall post this Ordinance or a summary thereof in at least three
places within the City

SECTION 7 The City Council hereby declares that, if any provision, section,
subsection paragraph sentence phrase or word of this ordinance is rendered or declared
invalid or unconstitutional by any final action in a court of competent jurisdiction or by
reason of any preemptive legislation, then the City Council would have independently
adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
or words of this ordinance and as such they shall remain in full force and effect - - -

APPROVED AND ADOPTED this ____ day of _____, 2005

ALBERT M VERA Mayor
City of Culver City, California

ATTEST

APPROVED AS TO FORM

CHRISTOPHER ARMENTA, City Clerk

CAROL A SCHWAB, City Attorney

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ATTACHMENT 2

RESOLUTION NO 2005-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ADOPTING A BAIL SCHEDULE FOR PARKING VIOLATIONS UNDER THE CULVER CITY MUNICIPAL CODE AND THE CALIFORNIA VEHICLE CODE AND RESCINDING RESOLUTION NO 2001-R011

WHEREAS, California Vehicle Code § 40203.5 (see also, *Tyler v. County of Alameda*, (1995) 34 Cal App 4th 777) authorizes a local legislative body to establish civil penalties for parking violations within a City's jurisdiction, and

WHEREAS, on November 7, 2005, at a duly noticed public meeting, the City Council adopted an Ordinance adding new subchapter 7.03.600 *et seq* to the Culver City Municipal Code ("CCMC"), relating to the parking of oversized, non-motorized and commercial vehicles, and

WHEREAS, CCMC § 7.03.620(A) provides that a violation of any provision of subchapter 7.03.600 *et seq* shall be deemed a civil offense and punishable by a fine established by resolution of the City Council, and

WHEREAS, the City of Culver City's current Civil Penalty Bail Schedule (Bail Schedule') must be amended to establish a penalty for a violation of subchapter 7.03.600 *et seq* and

WHEREAS, in reviewing the current Bail Schedule it was discovered that CCMC § 7.03.220(A), related to the prohibition against parking a vehicle for more than 72 consecutive hours, is not specifically included in the Bail Schedule, and it should be added for purposes of citing violators, and additional subsections of CCMC § 7.03.220 that are currently listed in the Bail Schedule no longer exist and

1 WHEREAS, in reviewing the current Bail Schedule it was discovered that
2 § 17 37 83 (f), relating to the parking of commercial vehicles in residential zones is no
3 longer required to be listed in the Bail Schedule as this provision was eliminated with the
4 adoption of the new Zoning Code on October 24, 2005, and the parking of commercial
5 vehicles on all public streets, including in residential zones, is covered in new subchapter
6 7 03 600, *et seq* , as described above and
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8 WHEREAS, an amended Bail Schedule is required in order to reflect the
9 addition of the above-described CCMC sections and their respective penalties, and the
10 deletion of other CCMC sections, which no longer exist,

11 NOW, THEREFORE, the City Council of the City of Culver City, California,
12 DOES HEREBY RESOLVE as follows

13 1 The Civil Penalty Bail Schedule attached hereto as Exhibit 'A,' is
14 hereby adopted and
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16 2 Bail forfeiture is hereby established for violations of the City's parking
17 regulations set forth in Exhibit A, and

18 3 Resolution No 2001-R011 is hereby rescinded, and

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4 This Resolution shall take effect concurrently with the effective date of
Ordinance No 2005-_____

APPROVED and ADOPTED this 7th day of November 2005

ALBERT M VERA
City of Culver City, California

ATTEST

APPROVED AS TO FORM

CHRISTOPHER ARMENTA, City Clerk

CAROL A SCHWAB, City Attorney

EXHIBIT "A"
TO RESOLUTION 2005-R_____

CIVIL PENALTY BAIL SCHEDULE

CCMC Section	Description	Amount
7 01 220	Removal of Marks	\$50 00
7 01 240	Yellow/green/white curb	\$33 00
7 01 240(A)	Red Curb	\$38 00
7 01 240(E)	Blue Curb [handicapped]	\$330 00
7 02 345(B)	Over 18" from curb	\$36 00
7 03 010	No Parking 7am-9 am	\$38 00
7 03 025	Parking within Lines	\$38 00
7 03 040	Parking Specified Time	\$38 00
7 03 205	Private Property or Parkway	\$38 00
7 03 215	No Parking Anytime	\$38 00
7 03 215(E)	Street Sweeping	\$38 00
7 03 220(A)	Parking in Excess of 72 Consecutive Hours	\$38 00
7 03 225(A)	Advertising/Washing/Repairing	\$38 00
7 03 235	Illegal City Property Parking	\$33 00
7 03 240	Alley Parking	\$33 00
7 03 245	Unpaved Surface	\$38 00
7 03 420	Taxi Cab Stand	\$38 00
7 03 525	Meter Violation	\$36 00
7 03 610 (A)	Parking of Large and Non-motorized Vehicles	\$38 00
7 03 610 (C)	Parking of Commercial Vehicles	\$38 00
7 03 610 (D)	Parking Within 45 Feet of Intersection	\$38 00

1	<u>Fire Code Violations</u>		
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3	1001 7 1 1 1	Obstruction or Impairment of Fire Hydrants, Standpipes, PIV, Etc	60 00
4	1203	Obstruction of Interior Fire Exit	60 00
5	1213 1	Obstructing Emergency Exit, exterior	60 00
6	9 02 3 1	Blocking Access to Exterior Doors	60 00
7	9 02 2 4 1	Obstruction of Access Road	60 00
8			
9	<u>California Vehicle Code Sections</u>		
10	4000A	Invalid Registration	\$ 25 00
11	5200	One Plate Only	25 00
12	5202	No License Plates	25 00
13	5204	License Plate Tabs	25 00
14	22500(a)	Parked within Intersection	38 00
15	22500(b)	Parked within Crosswalk	38 00
16	22500(d)	Parked within 15' of Fire Station	38 00
17	22500(e)	In/Blocking Driveway	38 00
18	22500(f)	On or Across Sidewalk	38 00
19	22500(h)	Double Parking	38 00
20	22500(k)	Parking on a Bridge	33 00
21	22502(a)	Curb Parking/18'	33 00
22	22502(b)	Wrong Way Parking	33 00
23	22514	By Fire Hydrant w/o Driver	33 00
24	22507 8	Restricted/Handicap	330 00
25	22514	Parked within 15' of Fire Hydrant	33 00
26	22515	Vehicle Running without Driver	33 00

1 21113(a) Parked on Public Grounds 38 00
2 22526(a) Anti-Gridlock 38 00
3 27155 Fuel Cap Required 33 00

4 ***Default Penalty***

5 Any other parking violation not listed 33 00
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7 ***Delinquent Penalties***

8 If not paid within 21 days of issuance, 100% penalty shall apply V C § 40203 5(a) & (b)
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RESOLUTION NO 2001-R011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CULVER CITY CALIFORNIA, ADOPTING A BAIL SCHEDULE
FOR PARKING VIOLATIONS UNDER THE CULVER CITY
MUNICIPAL CODE AND THE CALIFORNIA VEHICLE CODE,
AND RESCINDING RESOLUTION NO 93-R060

WHEREAS California Vehicle Code Section 40203.5 (*see also, Tyler v. County of Alameda* 34 Cal App 4th 777) authorizes a local legislative body to establish civil penalties for parking violations within a City's jurisdiction, and

WHEREAS, on June 14, 1993, the City Council adopted Resolution No 93-R060 establishing a bail schedule for parking violations of the Culver City Municipal Code, as well as standardized bail amounts for Vehicle Code parking violations, and

WHEREAS on July 24, 2000 the City Council adopted a renumbered version of the Culver City Municipal Code, and

WHEREAS a revised Resolution is required in order to correctly reflect the numbering of the parking violations under the Culver City Municipal Code and their respective bail amounts (penalties)

NOW, THEREFORE, the City Council of the City of Culver City, **DOES HEREBY RESOLVE** as follows

1 The Parking Citation Bail Schedule attached hereto as Exhibit A is
hereby adopted

2 Bail forfeiture is hereby established for parking violations

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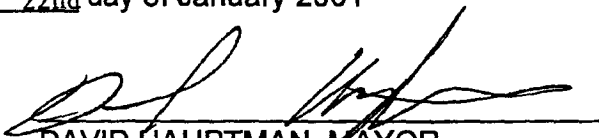
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3 Resolution No 93-R060 is hereby rescinded

4 This Resolution shall take effect immediately upon its adoption

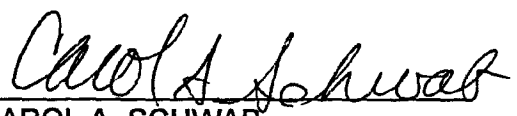
APPROVED and ADOPTED this 22nd day of January 2001


DAVID HAUPTMAN, MAYOR
City of Culver City

ATTEST

APPROVED AS TO FORM


TOM CRUNK
City Clerk


CAROL A SCHWAB
City Attorney

A00 00264/doc177

EXHIBIT A
TO RESOLUTION 2001-R_____

CIVIL PENALTY BAIL SCHEDULE

Culver City Municipal Code Sections

New Code Section	[Former Section]	Description	Amount
7 01 220	[21 3 4]	Removal of Marks	\$ 50 00
7 01 240	[21 3 9]	Yellow/green/white curb	33 00
7 01 240A	[21 3 9(A)]	Red Curb	38 00
7 01 240E	[21 3 9(E)]	Blue Curb [handicapped]	330 00
7 02 345[b]	[21 12 1(B)]	Over 18' from curb	36 00
7 03 205	[21 13 2]	Private Property or Parkway	38 00
7 03 215	[21 13 4]	No Parking Anytime	38 00
7 03 215E	[21 13 4(E)]	Street Sweeping	38 00
7 03 220	[21 13 5]	Detached Trailer [2a m 6a m]	33 00
7 03 220D	[21 13 5(D)]	Detached camp trailer carryall semi trailer or trailers on street	38 00
7 03 220[f]	[21 13 5(F)]	Restricted Street Weight	38 00
7 03 220G	[21 13 5(g)]	Commercial Vehicle Prohibited in Residential Zone	38 00
7 03 225[a]	[21 13 6(A)]	Advertising/Washing/Repairing	38 00
7 03 235	[21 13 8]	Illegal City Property Parking	33 00
7 03 240	[21 13 11]	Alley Parking	33 00
7 03 245	[21 13 12]	Unpaved Surface	38 00
7 03 010	[21 14 1]	No Parking 7am 9 am	38 00
7 03 025	[21 14 4]	Parking within Lines	38 00
7 03 040	[21 14 7]	Parking Specified Time	38 00
7 03 420	[21 15 5]	Taxi Cab Stand	38 00
7 03 525	[21 17 6]	Meter Violation	36 00
17 37 83(f)	[37 83(f)]	Commercial Vehicle Prohibited in Residential Zone	38 00

Fire Code Violations

1001 7 1	Obstruction or Impairment of Fire Hydrants Standpipes PIV Etc	60 00
1203	Obstruction of Interior Fire Exit	60 00
1213 1	Obstructing Emergency Exit exterior	60 00
9 02 3 1	Blocking Access to Exterior Doors	60 00
9 02 2 4 1	Obstruction of Access Road	60 00

California Vehicle Code Sections

4000A	Invalid Registration	\$ 25 00
5200	One Plate Only	25 00
5202	No License Plates	25 00
5204	License Plate Tabs	25 00
22500(a)	Parked within Intersection	38 00
22500(b)	Parked within Crosswalk	38 00
22500(d)	Parked within 15' of Fire Station	38 00
22500(e)	In/Blocking Driveway	38 00
22500(f)	On or Across Sidewalk	38 00
22500(h)	Double Parking	38 00
22500(k)	Parking on a Bridge	33 00
22502(a)	Curb Parking/18"	33 00
22502(b)	Wrong Way Parking	33 00
22514	By Fire Hydrant w/o Driver	33 00
22507.8	Restricted/Handicap	330 00
22514	Parked within 15' of Fire Hydrant	33 00
22515	Vehicle Running without Driver	33 00
21113(a)	Parked on Public Grounds	38 00
22526(a)	Anti Gridlock	38 00
27155	Fuel Cap Required	33 00

Default Penalty

Any other parking violation not listed 33 00

Delinquent Penalties

If not paid within 21 days of issuance 100% penalty shall apply V.C. § 40203.5(a) & (b)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No 2001-R011 was duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 22nd day of January, 2001, by the following Councilmember vote

AYES	Corlin, Gross, Rose, Hauptman
NOES	None
ABSTAIN	None
ABSENT	Wolkowitz

Dated this 25th day of January, 2001



Ela Valladares

Deputy City Clerk and Ex Officio Clerk of the City Council
City of Culver City State of California