

Council Meeting of
December 6, 2011

SUPPLEMENTAL

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: City Manager – Supplemental Material to Item 12B regarding Mobil
Food Vendors at Special Events**

Attached is additional correspondence received.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 

Fran Fulton
Management Associate

Noted:



LeRoy J. Jackson
City Manager

LAW OFFICES
DERMER BEHRENDT
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KEVIN BEHRENDT
KEVIN@DERMERBEHRENDT.COM

December 5, 2011

VIA Fax

Kevin Joe
Planning Associate
Community Development Department
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90509

Re: Torrance Mobile Food Regulations

Mr. Joe:

We write in response to your November 16, 2011 fax regarding proposed ordinance regulating mobile food vendors operations in Torrance. Our Client, the SoCal Mobile Food Vendors Association, has reviewed the draft ordinance and has the following comments.

As a preliminary matter, we assume that as a first step the City will repeal the current Section 61.6.12 of the municipal code. As we detailed in our March 2, 2011 email to Patrick Sullivan, the current code section is invalid pursuant to state law.

Second, the requirement that mobile food vendors display a letter grade is a little tricky as the Health Department does not issue letter grade cards to all mobile vendors. The cards are only issued to mobile food facilities that park at commissaries in cities that have authorized the County to inspect the trucks and issue the letter grades. Therefore, since some cities have not yet authorized the County to issue the letter grades, some trucks do not have letter grade cards.

As for the operation of Lot Events and the Permit Application process, we believe the proposed ordinance is a great start. We have a couple of questions and concerns regarding the permitting process and the operation of the actual lots.

Questions

1. Who is the applicant? Is it exclusively the property owner or authorized agent?
2. Will each Lot Event require a unique permit? Or will an applicant be able to request permit for a set number of dates in advance? i.e. The First Wednesday of each month.
3. How will the application and permit fees be determined?
4. How far in advance must a permit application be submitted?
5. Will application approval be discretionary? Or ministerial?
6. The Lot Event Permit appears to exclude ice cream trucks. Are ice cream trucks exempt from the permit process or are they forbidden to operate on private property?
7. The Lot Event Permit only applies when a property owner desires to have two or more trucks operating on its property. What will the procedure be for a property owner who desires only one truck to operate? Will a CUP be required?

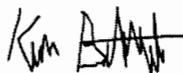
Concerns

- 100 parking space and ten percent parking space displacement requirements
These requirements will severely limit the locations available for Lot Events. It will make it difficult typical food truck events that involve much smaller locations. The typical event takes place in lots with under 50 parking spaces and requires nearly 50 percent displacement.
- Restroom Facilities and Lack of tables and chairs
On its own each of these requirements appears reasonable. However, when combined they appear quite unfair. The Lot Events will be required to provide sufficient restroom access for customers as if the Event is a restaurant. However, without tables and chairs, the Lot Events will be much more of a takeout affair. If customers are not encouraged to stay at the Event to eat, then why have a restroom requirement?
- 24 days per year per location
As the most popular events are held on a weekly basis, the Association would prefer that this limit be doubled to 48 days per location.

We appreciate the City sharing the draft ordinance with us and would be happy to sit down with your office to discuss our questions and concerns. Please let us know a time that works for your department to meet with a representative of the Association.

Thank you again for your work on this matter.

Sincerely,



Kevin Behrendt

Cc: Patrick Sullivan, Esq.
Asst. City Attorney (Via Email)

Sullivan, Patrick

From: Rhilinger, Susan
Sent: Thursday, December 01, 2011 9:59 AM
To: Brewer, Tom; dlee@farmersagent.com; mwermers@gpsd.com; Sullivan, Patrick
Cc: Scotto, Frank; Neu, John; Jackson, LeRoy; Mannon, George; albert.muratsuchi@doj.ca.gov; ragins@socal.rr.com; msteffen1@pacbell.net; Barnett, Gene; Furey, Pat; Numark, Cliff; Sutherland, Bill
Subject: RE: Food Trucks

Gentlemen-

I know you mean well, and I agree that this matter needs to be expedited, however, these communications are (in my opinion) a violation of the Brown Act . If I am wrong, I am sure the City Atty will so advise.

Susan

From: Brewer, Tom <TBrewer@TorranceCA.gov>
Sent: Thursday, December 01, 2011 9:44 AM
To: dlee@farmersagent.com <dlee@farmersagent.com>; mwermers@gpsd.com <mwermers@gpsd.com>
Cc: Scotto, Frank <FScotto@TorranceCA.gov>; Neu, John <JNEU@TorranceCA.gov>; Jackson, LeRoy <LJACKSON@TorranceCA.gov>; Mannon, George <Superintendent@tUSD.org>; albert.muratsuchi@doj.ca.gov <albert.muratsuchi@doj.ca.gov>; ragins@socal.rr.com <ragins@socal.rr.com>; msteffen1@pacbell.net <msteffen1@pacbell.net>; Barnett, Gene <GBARNETT@TorranceCA.gov>; Furey, Pat <PFurey@TorranceCA.gov>; Numark, Cliff <CNumark@TorranceCA.gov>; Rhilinger, Susan <SRhilinger@TorranceCA.gov>; Sutherland, Bill <BSutherland@TorranceCA.gov>
Subject: Re: Food Trucks

Well this discussion keeps getting more interesting. Two churches and one Little League team emailed me to ask if they can have "Food Truck" events too. The churches argue that it is just as right for them as it is for schools. They reminded me of the separation of church and state.

Regards,
Tom Brewer,
Council Member,
City of Torrance

-----Original message-----

From: Don Lee <dlee@farmersagent.com>
To: Michael Wermers <mwermers@gpsd.com>
Cc: "Scotto, Frank" <FScotto@TorranceCA.gov>, "Neu, John" <JNEU@TorranceCA.gov>, "Jackson, LeRoy" <LJACKSON@TorranceCA.gov>, "Mannon, George" <Superintendent@tUSD.org>, "albert.muratsuchi@doj.ca.gov" <albert.muratsuchi@doj.ca.gov>, "ragins@socal.rr.com" <ragins@socal.rr.com>, "msteffen1@pacbell.net" <msteffen1@pacbell.net>, "Barnett, Gene" <GBARNETT@TorranceCA.gov>, "Brewer, Tom" <TBrewer@TorranceCA.gov>, "Furey, Pat" <PFurey@TorranceCA.gov>, "Numark, Cliff" <CNumark@TorranceCA.gov>, "Rhilinger, Susan" <SRhilinger@TorranceCA.gov>, "Sutherland, Bill" <BSutherland@TorranceCA.gov>
Sent: Thu, Dec 1, 2011 05:43:43 GMT+00:00
Subject: Re: Food Trucks

I have tried to Mentor Mr Wermers but as his remarks below prove, I have failed. I'm open for suggestions but my best idea is to have him run for City Council so one of you can see if you can do a better job:-) p

Sent from my iPhone

On Nov 30, 2011, at 7:56 PM, Michael Wermers <mwerwers@gpsd.com> wrote:

Being as I am the junior member, and the quietest and shyest, of this esteemed list, allow me to lead off the responses.

I think this is a good plan. It looks very.... Mayoral. But what would I know?

We have to do something proactive as opposed to our current reactive moves. The schools have caused this problem, but our friends on Torrance Blvd. have been taking the brunt of the abuse in both the paper and on the streets.

Food trucks are the current hot item and they aren't just going to go away. The fund raising organizations of the local schools have begun to understand Sacramento is not going to save them, so they are willing to try anything to improve their lot. The local parents are tired of just throwing funds at their schools; this lets them feel like they are getting something back in return.

From a precursory search on the web, Torrance isn't the only city struggling with what to do with food trucks. It doesn't help that they receive national coverage on TV and people feel they are less expensive than a standard bricks and mortar establishment. It seems that "foodies" enjoy them as well, as they allow for sampling of many different cuisines.

I like the idea of a free license only for TUSD sanctioned events. This will keep the events under the umbrellas of the local school sites for responsibility and management of the event and with the safety inspection required, it will keep the participants to only reputable businesses. We can manage our events to the Torrance PD and if a rouge event is happening, they can close it down as they won't have the required business licenses and the permission of TUSD.

There are many details to be worked out, but Don is correct, we need to move faster than normal to keep this from continuing to be an ongoing problem that only allows us to react.

My two cents.

MW

On Wed. Nov 30, 2011 at 3:13 PM. Don Lee <dlee@farmersagent.com> wrote:

I just talked to John Neu and George Mannon as well as too many other people to

count about this and here is my idea on a solution to the “Great Food Truck Controversy” .

1. Each School Site that wants a Food Truck night will have to apply to the City for a free non-profit business license just like any other organization would have to do (I’m thinking about things like carnivals, and special events like that). With the license application they will have to list all of the names of the food trucks and the food trucks will have to make themselves available to a public safety inspection. Also from what I understand the inspections would be free as well but to make it easy for the City I would recommend that the inspections be made at the Police Station. Having the inspections away from the site will ensure that if there is a problem with the Food Truck it’s not in full view of the people coming to the event to avoid what happened at Yukon School. We can provide the Schools a list of the Food Trucks that currently have Torrance Business Licenses so if they do not want to go thru the inspection step they can use the Trucks that are already approved. This might have an extra benefit of having the Trucks that do a number of these events just going ahead and getting a Business License so save the aggravation of being inspected before each event.
2. TUSD will have a set of rules about when these events can happen and how often they can happen. The Principal will be responsible for placing the Food Trucks in a area where there is the least impact on the surrounding residents and for informing these people of the events.
3. The City Council, School Board, and City and School Administrations will issue these rules (guidelines?) jointly so that there will be no misunderstandings and will show that all the governmental agencies are on the same page.
4. I think the faster all of us can get this done the faster all of this will go away so if at all possible I would hope we could get this done before the end of the year.

It will not bother me at all if all of you think these are horrible ideas but we need to find a solution ASAP so this can go away and I thought I would start the conversation. Thanks!

Don Lee

President of The Board of Trustees

Torrance Unified School District

Cell Phone 310-345-0071

<span style="font-size:10.0pt; font-family:"Constantia",

Fellows, John

From: Fellows, John
Sent: Wednesday, November 30, 2011 9:51 PM
To: dlee@farmersagent.com
Cc: Jackson, LeRoy
Subject: Food trucks

Please take the city council out of your discussion loop. This would be a good topic for the joint TUSD/council committee meetings.

Fellows, John

From: Fellows, John
Sent: Thursday, December 01, 2011 8:49 AM
To: Don Lee
Cc: Jackson, LeRoy; Scotto, Frank; George Mannon; Patrick Q. Sullivan
Subject: Re: Food trucks

Don, my only concern is that the city council not get involved in an illegal serial meeting that has the potential for violating the Brown Act. Patrick Sullivan is in the loop now to help you out.

On Dec 1, 2011, at 6:11 AM, "Don Lee" <dlee@farmersagent.com> wrote:

> Can I get an advance copy once you approve it?
 >
 > Sent from my iPhone
 >
 > On Dec 1, 2011, at 8:04 AM, "Jackson, LeRoy" <LJACKSON@TorranceCA.gov>
 > wrote:
 >
 >> We have an item on for this next meeting -- ljj
 >>
 >> -----Original Message-----
 >> From: Don Lee [mailto:dlee@farmersagent.com]
 >> Sent: Thursday, December 01, 2011 8:00 AM
 >> To: Fellows, John
 >> Cc: Jackson, LeRoy; Scotto, Frank; George Mannon
 >> Subject: Re: Food trucks
 >>
 >>
 >> This needs to get done ASAP. If we have a committee meeting and then
 >> wait for the item to get on the Councils agenda it will take months.
 >> My proposal follows current City protocols on how you deal with
 >> non-profit organizations so it is really just a administrative
 >> clarification of current policy. I fully understand the political
 >> issues at play here and the sooner this gets done the less grief the
 >> City/Council is going to have to deal with. It's not going away, also
 >> John Bowler the former Hermosa Beach City Councilman is now a "Food
 >> Truck Consultant" and he is talking to the School Groups about moving
 >> this forward so if we control the issue then we can find a solution
 >> that works for everyone rather than one that is hammered out at 11pm
 >> on a Tuesday with 400 angry PTA moms in the Council Chambers.
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 >> Sent from my iPhone
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 >> On Nov 30, 2011, at 9:51 PM, "Fellows, John"
 >> <JFellows@TorranceCA.gov> wrote:
 >>
 >>> Please take the city council out of your discussion loop. This would
 >>> be a good topic for the joint TUSD/council committee meetings.
 >>
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