

Los Angeles City Council, Journal/Council Proceedings
Wednesday, September 13, 2006
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cardenas, Greuel, Hahn, Huizar, LaBonge, Parks, Reyes, Rosendahl, Smith, Weiss, Wesson, Zine and President Garcetti (13); Absent: Padilla and Perry (2).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
AUGUST 18, 2006

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 35

PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR -
An opportunity for public testimony was provided.

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED
UPON DURING THE COUNCIL MEETING

Items Noticed for Public Hearing - Items 1-17

Roll Call #2 - Motion (Huizar - Weiss) Adopted to Receive and File, Unanimous Vote (13);
Absent: Padilla and Perry (2)
(Item Nos. 1-2)

ITEM NO. (1) - RECEIVED AND FILED, INASMUCH AS THE ASSESSMENT HAS BEEN PAID

[06-1353](#)

CD 7 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of cleaning and fencing of the lot at 12980 North Gladstone Avenue.

(Lien: \$12,254.20)

ITEM NO. (2) - RECEIVED AND FILED, INASMUCH AS THE ASSESSMENT HAS BEEN PAID

[06-1352](#)

CD 14 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of barricading of all openings at 7047 North Figueroa Street.

(Lien: \$2,367.68)

ITEM NO. (3) - PUBLIC HEARING CLOSED -NO APPEALS - LIEN CONFIRMED, AS AMENDED - SEE FOLLOWING

Roll Call #15 - Motion (Hahn - Cardenas) to Adopt as Amended, Ayes (14); Absent: Padilla (1)

06-1351

CD 15 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings and the cleaning and fencing of the lot at 119 East 111th Street. (Lien: \$5,589.29)

ADOPTED

AMENDING MOTION (HAHN - CARDENAS)

Recommendation for Council action:

AMEND the Building and Safety Department lien of \$5,589.29 to cover the costs of barricading of all openings and the cleaning and fencing of the lot at 119 East 111th Street to waive the 40 percent administrative costs.

Roll Call #3 - Motion (Weiss - Huizar) Adopted, Ayes (13); Absent: Padilla and Perry (2)
(Item Nos. 4-5)

ITEM NO. (4) - PUBLIC HEARING CLOSED -NO APPEALS - LIEN CONFIRMED

06-1350

CD 9 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings and the cleaning of the lot at 1545 East 56th Street. (Lien: \$2,870.31)

ITEM NO. (5) - PUBLIC HEARING CLOSED -NO APPEALS - LIEN CONFIRMED

06-1349

CD 9 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings and the cleaning of the lot at 1033 East 55th Street. (Lien: \$2,339.75)

ITEM NO. (6) - CONTINUED TO SEPTEMBER 20, 2006

Roll Call #18 - Motion (Parks - Weiss) Adopted to Continue, Unanimous Vote (14);
Absent: Padilla (1)

06-1286

CD 9 HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings and the cleaning and fencing of the lot at 1106 West 42nd Street. (Lien: \$7,258.41)

Roll Call #4 - Motion (Smith - Huizar) Adopted, Ayes (13); Absent: Padilla and Perry (2)
(Item Nos. 7-8)

ITEM NO. (7) - PUBLIC HEARING CLOSED - ADOPTED FORTHWITH

04-1406

CD 12 PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Old Granada Village Property and Business Improvement District (BID), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the Old Granada Village Property and Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.
2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and a nonprofit management entity, for administration of the BID.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the BID and will be recovered from assessments collected. There is no General Fund real property included in the list of properties to be assessed within the boundaries of the BID, as disclosed in the Management District Plan and as required under existing state BID legislation, therefore, there is no impact on the General Fund.

(Pursuant to Council action on September 12, 2006 and adoption of Ordinance No. 177742 on July 25, 2006.)

ITEM NO. (8) - PUBLIC HEARING CLOSED - ADOPTED FORTHWITH

06-1083

CDs 9 & 14 PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Arts District Property and Business Improvement District (BID), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the Arts District Property and BID and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.

2. AUTHORIZE the City Clerk, subject to the approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and a nonprofit management entity, for administration of the BID.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the BID and will be recovered from assessments collected. There are currently ten (10) City-owned, real properties included in the list of properties to be assessed within the boundaries of the BID, as disclosed in the Management District Plan and as required under existing state BID legislation. Three of these properties are controlled by the Department of Water and Power. Funding is available in the Business Improvement District Trust Fund 659 to pay the General Fund share of assessments for the first operating year.

(Pursuant to Council action on September 12, 2006 and adoption of Ordinance No. 177734 on July 25, 2006)

ITEM NO. (9) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #5 - Motion (Rosendahl - LaBonge) Adopted, Ayes (13); Absent: Padilla and Perry (2)

[02-2323](#)

CD 13 HEARING PROTESTS relative to vacating Park Drive and Avon Street Vacation District (VAC E1400830).

(Public Works Committee report adopted on August 11, 2006)

ITEM NO. (10) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #20 - Motion (Rosendahl - LaBonge) Adopted, Ayes (14); Absent: Padilla (1)

[06-0217](#)

CD 11 HEARING PROTESTS relative to vacating the alley (portion of northerly side) southerly of Alcima Avenue and westerly of Muskingum Avenue (VAC E1400984).

(Public Works Committee report adopted on August 11, 2006)

ITEM NO. (11) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #5 - Motion (Rosendahl - Labonge) Adopted, Ayes (13); Absent: Padilla and Perry (2)

[06-0407](#)

CD 13 HEARING PROTESTS relative to vacating Brokaw Place between Carlton Way and Hollywood Boulevard (VAC E1400988).

(Public Works Committee report adopted on August 11, 2006)

ITEM NO. (12) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #16 - Motion (Rosendahl - Smith) Adopted, Ayes (14); Absent: Padilla (1)

06-0817

CD11 HEARING PROTESTS relative to vacating the alley (portion of northeasterly side) southwesterly of Glencoe Avenue from approximately 112 feet southeasterly of Victoria Avenue to approximately 36 feet southeasterly thereof.

(Public Works Committee report adopted on August 11, 2006)

ITEM NO. (13) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED
- FORTHWITH

Roll Call #5 - Motion (Rosendahl - LaBonge) Adopted, Ayes (13); Absent: Padilla and Perry (2)

03-1972

CD 9 HEARING PROTESTS relative to vacating Hope and 21st Streets Vacation District (VAC E1400872 - Re-application).

(Pubic Works Committee report adopted on August 11, 2006)

ITEM NO. (14) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #6 - Motion (Wesson - Reyes) Adopted to Grant Application, Ayes (13);
Absent: Padilla and Perry (2)

06-1781

CD 10 HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for on-site consumption located at 3275 Wilshire Boulevard, No. 102 (Degolmok, Inc.).

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 3275 Wilshire Boulevard, No. 102 (Degolmok, Inc., [karaoke music studio]) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for on-site consumption located at 3275 Wilshire Boulevard, No. 102 .

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control (ABC) as the required findings under Business and Professions Code Section 23958.4.

Applicant: Degolmok, Inc.

TIME LIMIT FILE - SEPTEMBER 18, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 15, 2006)

ITEM NO. (15) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION - SEE FOLLOWING

Roll Call #7 - Motion (Rosendahl - Reyes) Adopted To Grant Appeal, Ayes (13);
Absent: Padilla and Perry (2)

06-1815

CD 11 HEARING COMMENTS relative to Application for Determination of "Public Convenience or Necessity" for the sale of alcohol for on- and off-site consumption at the The Commissary (retail wine and gift store with wine tasting) located at 68 North Venice Boulevard.

Application filed by: Commissary, Inc.

TIME LIMIT FILE - SEPTEMBER 18, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 15, 2006)

(Findings and Council recommendations required relative to the above application request)

ADOPTED

MOTION (ROSENDAHL - REYES)

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 19524 Nordhoff Street, (Beverages & More) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site and on-site consumption located at 19524 Nordhoff Street.

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Beverages & More

TIME LIMIT FILE - SEPTEMBER 25, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 22, 2006)

ITEM NO. (16) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #8 - Motion (Zine - Reyes) Adopted to Grant Application, Ayes (14); Absent: Padilla (1)

06-1868

CD 3 HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" Alcohol Sales for off-site consumption at Target (upscale retail/grocery) located at 6700 Topanga Canyon Boulevard.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 6700 Topanga Canyon Boulevard (Target) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption located at 6700 Topanga Canyon Boulevard.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverages Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Target Corporation

TIME LIMIT FILE - SEPTEMBER 25, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 22, 2006)

ITEM NO. (17) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #9 - Motion (Smith - Reyes) Adopted to Grant Application, Ayes (14); Absent: Padilla (1)

06-1881

CD 12 HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" Alcohol Sales for off-site and on-site consumption at Beverages & More (retail) located at 19524 Nordhoff Street.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at 19524 Nordhoff Street, (Beverages & More) will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site and on-site consumption located at 19524 Nordhoff Street.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverages Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Beverages & More

TIME LIMIT FILE - SEPTEMBER 25, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 22, 2006)

Items for Which Public Hearings Have Been Held - Items 18-31

Roll Call #12 - Motion (Wesson - LaBonge) Adopted, Ayes (13); Absent: Padilla and Perry (2)

ITEM NO. (18) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION

06-1907

CD 10 COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Justin J. Kim to the Disabled Access Appeals Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Justin J. Kim to the Disabled Access Appeals Commission for the term ending June 30, 2011, to fill the vacancy created by Monica S. Navarro, is APPROVED and CONFIRMED. Mr. Kim resides in Council District Ten. (Current Board gender composition: M = 3; F = 2)

Ethics Commission Review: Complete

Background Check Review: Complete

TIME LIMIT FILE - SEPTEMBER 25, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 22, 2006)

(Arts, Parks, Health and Aging Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Arts, Parks, Health and Aging Committee at 213-978-1072.)

ADOPTED

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the appointment of Justin J. Kim to the Disabled Access Appeals Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Justin J. Kim to the Disabled Access Appeals Commission for the term ending June 30, 2011, to fill the vacancy created by Monica S. Navarro, is APPROVED and CONFIRMED. Mr. Kim resides in Council District Ten. (Current Board gender composition: M = 3; F = 2)

Ethics Commission Review: Complete

Background Check Review: Complete

TIME LIMIT FILE - SEPTEMBER 25, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 22, 2006)

ITEM NO. (19) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION - SEE FOLLOWING - FORTHWITH

Roll Call #13 - Motion (Reyes - Garcetti) Adopted, Ayes (13); Absent: Padilla and Perry (2)

02-0334

CD 13 COMMUNICATION FROM THE MAYOR relative to the reappointment of Mr. Young S. Kim to the Central Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Mr. Young S. Kim to the Central Area Planning Commission for the new term ending June 30, 2011, is APPROVED and CONFIRMED. Mr. Kim resides in Council District 13. (Current Commission Gender Composition: M=2; F=3)

Ethics Commission Review: Pending

Background Check Review: Pending

(Planning and Land Use Management Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Planning and Land Use Management Committee at 213-978-1068.)

TIME LIMIT FILE - SEPTEMBER 18, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 15, 2006)

ADOPTED

COMMUNICATION FROM THE MEMBER, PLANNING AND LAND USE MANAGEMENT COMMITTEE relative to Mayor's reappointment of Mr. Young S. Kim to the Central Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Mr. Young S. Kim to the Central Area Planning Commission for the term ending June 30, 2011, is APPROVED and CONFIRMED. Mr. Kim resides in Council District 13. (Current Commission Gender Composition: M=2; F=3)

Ethics Commission Review: Pending

Background Check Review: Pending

TIME LIMIT FILE - SEPTEMBER 18, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 15, 2006)

ITEM NO. (20) -CONTINUED TO SEPTEMBER 20, 2006

Roll Call #1 - Motion (Weiss - Reyes) Adopted to Continue, Unanimous Vote (13);
Absent: Padilla and Perry (2)

06-1381

CD 5

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change at 10269 Santa Monica Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 06-1381 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2005-7032 MND] filed on December 29, 2005.
 2. ADOPT the August 29, 2006 FINDINGS of the Director of Planning as the Findings of the Council.
 3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, effecting the zone change from [Q]C2-1VL-O to (T)(Q)RAS4-1VL-O for the proposed construction, use and maintenance of a new 55-foot in height, four story mixed use development consisting of 16 residential condominium units located at 10269 Santa Monica Boulevard, subject to revised "Q" Condition No. A.8.a and Environmental Condition No. C.4 as attached to Council file No. 06-1381.
Applicant: Century City View, LLC APCW 2005-7078 ZC
- Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.
4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
 5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
 6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
 7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.
 8. NOT PRESENT and ORDER FILED the ordinance approved by West Los Angeles Area Planning Commission on March 1, 2006.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - OCTOBER 3, 2006

(LAST DAY FOR COUNCIL ACTION - OCTOBER 3, 2006)

ITEM NO. (21) - ADOPTED

Roll Call #10 - Motion (Smith - Rosendahl) Adopted, Ayes (13); Absent: Padilla and Perry (2)

06-1572

CD 12 MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 17055 San Fernando Mission Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 06-1572 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2005-8139 MND] filed on January 20, 2006.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the City Planning Commission, effecting the zone change from C4-1VL, C2-1VL and P-1VL to (T)(Q)C2-1VL for the proposed demolition of an existing 101,044 square foot retail store, 10,470 square foot auto repair and construction of a new 148,344 square foot retail store, a maximum of 45 feet in height providing 635 parking spaces on a 349,356 square foot lot, located at 17055 San Fernando Mission Boulevard, subject to Conditions of Approval.

Applicant: Target Corporation, David Henry

CPC 2005-8138 ZC

Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - OCTOBER 5, 2006

(LAST DAY FOR COUNCIL ACTION - OCTOBER 4, 2006)

ITEM NO. (22) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #25 - Motion (Parks - Smith) to Adopt as Amended, Ayes (12); Absent: Greuel, Padilla and Weiss (3)

04-0893

BUDGET AND FINANCE COMMITTEE REPORT relative to an appropriation for outside counsel in the case of Estate of Christopher Wallace v. City of Los Angeles.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. TRANSFER \$1 million from the ~~Unappropriated Balance, Fund No. 100, Department 58, Account No. 0038, City Attorney Outside Counsel~~ *Liability Claims Account, No. 9770, Fund 100, Department 59, to Fund No. 100, Department No. 12, Account No. 9301, City Attorney Outside Counsel, for the law firm of Bird, Marella, Boxer, Wolpert, Nessim, Drooks and Lincenberg, to assist with the case entitled Estate of Christopher Wallace v. City of Los Angeles, United States District Court Case No. CV 02-02929.
*(Parks - Smith)

2. REQUEST the City Attorney to provide the Budget and Finance Committee with an expenditure plan for outside counsel expenses for the balance of the 2006-07 fiscal year.

3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports there is no additional impact on the General Fund. The requested amount of \$1 million will be deducted from funds approved for the 2006-07 Fiscal Year and available in the Unappropriated Balance, City Attorney Outside Counsel including Workers' Compensation line item. These recommendations are in compliance with the City's Financial Policies.

(Council may recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the above matter.)

ITEM NO. (23) - CONTINUED TO SEPTEMBER 20, 2006

Roll Call #17 - Motion (Zine - Parks) Adopted to Continue, Unanimous Vote (14);
Absent: Padilla (1)

04-2206-S1

BUDGET AND FINANCE COMMITTEE REPORT relative to transferring unclaimed funds in the Unclaimed Monies Seized Incidental to Arrest Trust Fund (UMSIATF) to the Special Fund for Efficiency Projects and Police Hiring (Special Fund).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. INSTRUCT the Police Department and the City Treasurer to immediately process pending eligible unclaimed monies in the UMSIATF to Arrest Trust Fund No. 851.
2. REQUEST the Controller to TRANSFER all eligible monies as identified in Recommendation No. 1 to the General Fund, Fund No. 100, Department 70, Revenue Source Code 4334.
3. RECEIVE and FILE the City Attorney report and draft Ordinance relative to amending the Los Angeles Administrative Code to provide that any unclaimed monies be transferred to the Police Hiring Account within the Special Fund for Efficiency Projects and Police Hiring, inasmuch as the Budget and Finance Committee does not recommend diverting eligible unclaimed monies from the UMSIATF to the Special Fund.

Fiscal Impact Statement: The City Administrative Officer reports there will be an increase of \$2.2 million to the General Fund after the eligible unclaimed monies have been processed and transferred. The 2006-07 Budget assumed that \$1.4 million would be escheated to the General Fund, therefore, this action will result in an increase of \$0.8 million to the General Fund revenue.

Roll Call #10 - Motion (Smith - Rosendahl) Adopted, Ayes (13); Absent: Padilla and Perry (2)
(Item Nos. 24-30)

ITEM NO. (24) - ADOPTED

05-0600-S60

BUDGET AND FINANCE COMMITTEE REPORT relative to responses from the Department of Recreation and Parks to various Fiscal Year (FY) 05-06 Budget Motions.

Recommendation for Council action:

NOTE and FILE the Department of Recreation and Parks report relative to responses to various FY 05-06 Budget Motions, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (25) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- SEE FOLLOWING

06-1063

CD 11 COMMUNICATION FROM THE COMMUNITY DEVELOPMENT DEPARTMENT and RESOLUTION relative to a subordinate loan in the amount of \$750,000 by the Industrial Development Authority of the City of Los Angeles to benefit the Westview School located at 11801-05 West Mississippi Avenue, or a related entity, for the rehabilitation and development of educational facilities.

(Housing, Community and Economic Development Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Housing, Community and Economic Development Committee at 213-978-1080.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to a subordinate loan in the amount of \$750,000 for the Westview School Project located at 11801 - 05 West Mississippi Avenue, and related actions.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that the Westview School Project is necessary and appropriate to accomplish City community and economic development objectives.
2. FIND, pursuant to review of environmental records on this matter, that no significant impacts are apparent which might result from implementation of the Westview School Project, in accordance with the California Environmental Quality Act (CEQA).
3. ADOPT the accompanying Resolution (attached to the Community Development Department (CDD) report dated July 27, 2006) relating to the authorization and execution of a \$750,000 subordinate loan by the City.
4. AUTHORIZE the General Manager, CDD, or designee, to:
 - a. Negotiate and execute subordinate loan documents and any other ancillary agreements required for the subordinate loan, subject to the review of the City Attorney as to form and legality.
 - b. Prepare Controller instructions and make any necessary technical adjustments that are consistent with the Mayor and Council action on this matter, subject to the approval of the City Administrative Officer (CAO), and request the Controller to implement those instructions.

5. REQUEST the Controller to increase appropriations in the amount of \$750,000 within Fund No. 356, Urban Development Action Grant (UDAG) Miscellaneous Revenue, Account L002, Subordinate Loans Special Fund, and expend funds upon proper demand of the General Manager, COD, or designee.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. Approval of the recommendations authorizes the CDD to negotiate and execute a subordinate loan agreement in the amount of \$750,000 to benefit the Westview School Project in West Los Angeles. This action complies with City Financial Policies in that sufficient special funds from the UDAG Miscellaneous Revenue Fund have been identified for this purpose. Repayment of the loan is to be made from borrower operating income and secured by a second deed of trust on the subject property.

ITEM NO. (26) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- FORTHWITH - SEE FOLLOWING

06-1456

CD 1

COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY and RESOLUTIONS relative to various actions regarding \$2,064,604 in loan proceeds to Hartford Avenue Apartments, LP, for the development of 54 rental units for low- and very low-income large families and 440-58 South Hartford Avenue and 431-33 South Lucas Avenue immediately outside the Westlake Recovery Redevelopment Project Area.

(Housing, Community and Economic Development Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Housing, Community and Economic Development Committee at 213-978-1080.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to various actions regarding \$2,064,603 in loan proceeds to Hartford Avenue Apartments, LP (Developer), for the development of 54 rental units for low- and very low-income large families at 440-458 South Hartford Avenue and 431-433 South Lucas Avenue.

Recommendations for Council action:

1. ADOPT the accompanying Resolution (Attachment B of the Community Redevelopment Agency (Agency) report dated August 3, 2006) certifying that it has reviewed and considered the environmental effects of the Hartford Apartments Project (Project) as shown in the City of Los Angeles Mitigated Negative Declaration (ENV-2003-7073-MND), pursuant to State California Environmental Quality Act (CEQA) Guidelines Section 15096(f), for the proposed residential development located at 440-458 S. Hartford Avenue, and 431-433 S. Lucas Avenue.

2. APPROVE the accompanying Finding of Benefit Joint Resolution (Attachment C of the Agency report dated August 3, 2006) which finds that the expenditure of \$2,064,603 from the Westlake Housing Trust Fund for the proposed Project is of benefit to the Westlake Redevelopment Project Area.
3. APPROVE the accompanying Resolution (Attachment D of the Agency's report dated August 3, 2006) making a finding that an economically feasible alternative method of financing construction on substantially comparable terms without subordination of the Agency's deed of trust and low- and moderate-income deed restrictions is not reasonably available.
4. AUTHORIZE the Chief Executive Officer, Agency, or designee to:
 - a. Amend the Agency's Fiscal Year 07 Budget to recognize additional carryover of \$2,064,603 from WL1990 (Response to Housing Opportunities) and allocate it to WL1400 (Hartford Avenue Apartments).
 - b. Execute a Construction and Permanent Loan Agreement with the Developer in the amount of \$2,064,603, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no General Fund impact. Source of funds are tax increment funds in the Westlake Housing Trust Fund.

ITEM NO. (27) - ADOPTED

04-1847-S25

CD 4 PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the City's Hancock Park Interim Control Ordinance (ICO) for the property at 442 North Highland Avenue.

Recommendations for Council action:

1. GRANT hardship exemption from the City's Hancock Park ICO (Ordinance No. 176228) as noted and as described in the application attached to Council file, for the proposed extension of the dining room area to the front yard, 83.8 square feet and 24 feet three (3) inches in height for property located at 442 North Highland Avenue.
2. ADVISE the applicant that this hardship exemption, if granted by the Council, is not a permit or license and that any other approvals, permits and licenses required by law must be obtained from the proper agencies.

Applicant: Moskovitz Yougin, (Leo M. Norel, Representative)

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (28) - ADOPTED

04-1847-S4

CD 4 PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the City's Hancock Park Interim Control Ordinance (ICO) for the property at 449 North Las Palmas Avenue.

Recommendations for Council action:

1. GRANT hardship exemption from the City's Hancock Park ICO (Ordinance No. 176228) as noted and as described in the application attached to Council file, for the proposed demolition and construction of a new two car garage 586 square feet, guest bedroom and a second floor recreation room 484 square feet located at 449 North Las Palmas Avenue.
2. ADVISE the applicant that this hardship exemption, if granted by the Council, is not a permit or license and that any other approvals, permits and licenses required by law must be obtained from the proper agencies.

Applicant: William Hefner and Kazuko Hoshino (Michael L. Aquino, Representative)

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (29) - ADOPTED

06-1818

CD 10 PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the William J. Hubbard Residence located at 811 South Norton Avenue in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the Findings of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the William J. Hubbard Residence located at 811 South Norton Avenue in the list of Historic-Cultural Monuments.

Applicant: Percy Austin, (Anna Marie Brooks, Representative)CHC 2006-2247 HCM

Fiscal Impact Statement: The CHC reports that such designation in and of itself has no fiscal impact. Future applications for permits may cause minimal administrative costs.

TIME LIMIT FILE - OCTOBER 1, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 29, 2006)

ITEM NO. (30) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS
- SEE FOLLOWING

06-1949

CD 15 COMMUNICATION FROM THE BOARD OF AIRPORT COMMISSIONERS relative to a five-year replacement lease and a new warehouse rental rate with Penauille Servisair LLC for a ground service equipment facility located at 7025 Imperial Highway at the Los Angeles International Airport.

(Trade, Commerce, and Tourism Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, please contact the Legislative Assistant for the Trade, Commerce, and Tourism Committee at 213-978-1078.)

TIME LIMIT FILE - SEPTEMBER 14, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 13, 2006)

ADOPTED

ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to a five-year replacement lease and a new warehouse rental rate with Penauille Servisair LLC (Penauille) for a ground service equipment facility located at 7025 Imperial Highway at Los Angeles International Airport (LAX).

Recommendations for Council action:

1. FIND that the five-year replacement lease and new warehouse rental rate with Penauille for a ground service equipment facility located at 7025 Imperial Highway at LAX is administratively exempt from the requirements of the California Environmental Quality Act (CEQA), as provided by Article III, Class 1 (18)(c) of the Los Angeles City CEQA Guidelines.
2. APPROVE the replacement lease and new warehouse rental rate with Penauille; and CONCUR with the Board of Airport Commissioners' action on August 7, 2006, Board Order No. AO-5024, authorizing the Executive Director of the Los Angeles World Airports (LAWA) to execute said lease.

Fiscal Impact Statement: The City Administrative Officer reports that since the LAWA is only bound by the City Debt Management Policies, the City Financial Policies are not applicable. Revenue to the Airport Revenue Fund will total \$167,407 annually. The revenue to be paid to the LAWA over the five-year period will total at least \$837,035. The LAWA anticipates the General Fund will receive approximately \$353 in possessory interest taxes annually or \$1,765 over five years.

TIME LIMIT FILE - SEPTEMBER 14, 2006

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 13, 2006)

ITEM NO. (31) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #14 - Motion (Parks - Smith) to Adopt as Amended, Ayes (13); Absent: Padilla and Perry (2)

03-2062

PUBLIC SAFETY and INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEES' REPORTS relative to the status of consolidated security operations under the Department of General Services (GSD), Office of Public Safety (OPS).

A. PUBLIC SAFETY COMMITTEE REPORT

Recommendation for Council action:

NOTE and FILE the GSD report dated May 30, 2006, relative to the status of consolidated security operations under the GSD, OPS, inasmuch as the report is submitted for information only and no Council action is necessary.

B. INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT

Recommendations for Council action:

1. NOTE and FILE the GSD report dated May 30, 2006, relative to the status of consolidated security operations under the GSD, OPS, inasmuch as the report is submitted for information only and no Council action is necessary.
2. INSTRUCT the City Administrative Officer (CAO) *and the Chief Legislative Analyst to report back *to the Public Safety, Budget and Finance and Information Technology and General Services Committees on budgetary, employee relations and proposed policy changes as detailed in the GSD report dated May 30, 2006.
*(Parks - Smith)

Fiscal Impact Statement: None submitted by the GSD. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: The Silver Lake Neighborhood Council (SLNC) Governing Board resolved to support the 2006-07 City Budget item that funds 37 Park Rangers for regional parks. The SLNC further supports the retention of full Peace Officer status for Park Rangers, maintaining their ability to protect parks and park patrons by fully enforcing all laws within park boundaries, including full authority to detain/arrest those suspected of criminal activity, and to write citations for Municipal Code violations.

Items for Which Public Hearings Have Not Been Held - Items 32-49
(10 Votes Required for Consideration)

ITEM NO. (32) - RESOLUTION ADOPTED AUTHORIZING ISSUANCE OF CALIFORNIA SOLID WASTE RESOURCES REVENUE BONDS, SERIES 2006-A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$59,040,000.00 TO CITIGROUP GLOBAL MARKETS INC., FOR A TRUE INTEREST COST OF 4.205116 PERCENT- AND REJECTING ALL OTHER BIDS - FORTHWITH

Roll Call #19 - Motion (Parks - Rosendahl) Adopted, Ayes (14); Absent: Padilla (1)

05-0600-S82

ACCEPTANCE OF BIDS and AWARD of the sale of Solid Waste Resources Revenue Bonds, Series 2006-A in an amount of approximately \$65 million to the lowest responsible bidder, adoption of the RESOLUTION and other actions relating thereto.

Roll Call #11 - Motion (Greuel - Huizar) Adopted, Ayes (13); Absent: Padilla and Perry (2)
(Item Nos. 33-49)

ITEM NO. (33) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

05-0275-S1

CD 2 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of ARMINTA STREET AND NAGLE AVENUE NO. 2 (REBALLOT) LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 21, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Arminta Street and Nagle Avenue No. 2 (Reballot) Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$302.18 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (34) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

04-2154

CD 14

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of COLORADO BOULEVARD AND GENEVIEVE AVENUE (REBALLOT) LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 22, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Colorado Boulevard and Genevieve Avenue (Reballot) Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,091.76 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (35) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

05-2330

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of COLFAX AVENUE AND HESBY STREET (REBALLOT) LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 15, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Colfax Avenue and Hesby Street (Reballot) Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$122.40 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (36) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

04-2013-S1

CD 7 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of GLENOAKS BOULEVARD AND ROXFORD STREET NO. 1 (REBALLOT) LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 15, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Glenoaks Boulevard and Roxford Street No. 1 (Reballot) Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$382.55 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (37) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

06-1406

CD 2 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of ALBERS STREET AND COSTELLO AVENUE LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 15, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Albers Street and Costello Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$126.99 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (38) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

06-1407

CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of BARRY AND IDAHO AVENUES LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 15, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Barry and Idaho Avenues Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$284.58 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (39) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS

06-1384

CD 4

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of WAVERLY DRIVE AND AUBURN STREET LIGHTING DISTRICT.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated June 14, 2006.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of NOVEMBER 15, 2006 as the hearing date for the maintenance of Waverly Drive and Auburn Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$153 will be collected annually starting with tax year 2006-07 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 6, 2006)

ITEM NO. (40) - ADOPTED

06-0005-S279

CD 1 RESOLUTION removing the property at 2921 West Francis from the Rent Escrow Account Program [REAP], (Case No. 26388), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 5077-023-009
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on June 29, 2006)

ITEM NO. (41) - ADOPTED

06-0005-S280

CD 5 RESOLUTION removing the property at 4440 Sepulveda Boulevard from the Rent Escrow Account Program [REAP], (Case No. 26614), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 2276-041-054
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on June 29, 2006)

ITEM NO. (42) - ADOPTED

06-0005-S281

CD 6 RESOLUTION removing the property at 14643 Erwin Street from the Rent Escrow Account Program [REAP], (Case No. 33769), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 2241-011-018
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on August 2, 2006)

ITEM NO. (43) - ADOPTED

06-0005-S282

CD 9 RESOLUTION removing the property at 115 West 56th from the Rent Escrow Account Program [REAP], (Case No. 7320), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 5101-030-004
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on January 19, 2006)

ITEM NO. (44) - ADOPTED

06-0005-S283

CD 9 RESOLUTION removing the property at 120 East 68th Street from the Rent Escrow Account Program [REAP], (Case No. 12374), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 6011-004-004
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on April 19, 2006)

ITEM NO. (45) - ADOPTED

06-0005-S284

CD 9 RESOLUTION removing the property at 515 West 60th Street from the Rent Escrow Account Program [REAP], (Case No. 3843), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 6004-029-025
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on January 17, 2006)

ITEM NO. (46) - ADOPTED

06-0005-S285

CD 9 RESOLUTION removing the property at 8111 South Main Street from the Rent Escrow Account Program [REAP], (Case No. 16760), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 6031-030-004
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on May 10, 2006)

ITEM NO. (47) - ADOPTED

06-0005-S286

CD 10 RESOLUTION removing the property at 5077 West 20th Street from the Rent Escrow Account Program [REAP], (Case No. 28216), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 5062-006-007
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on July 6, 2006)

ITEM NO. (48) - ADOPTED

00-0005-S81

CD 13 RESOLUTION removing the property at 624 North Coronado from the Rent Escrow Account Program [REAP], (Case No. 2987), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 5402-022-009
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on August 3, 2000)

ITEM NO. (49) - ADOPTED

06-0005-S287

CD 13 RESOLUTION removing the property at 201 South Union Place from the Rent Escrow Account Program [REAP], (Case No. 6776), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of September 5, 2006.

Assessor I.D. No. 5153-011-001
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on July 15, 2003)

Items Called Special

Motions for Posting and Referral

Councilmembers' Requests for Excuse from Attendance at Council Meetings

Closed Sessions - Items 50-53

ITEM NO. (50) - ADOPTED - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #21 - Motion (Parks - Huizar) Adopted in Open Session, Ayes (12); Absent: Greuel, Padilla and Weiss (3)

06-1752

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Soraya Rasmi v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 086587. (This case arises out of a trip and fall which occurred on November 12, 2004.)

(Budget and Finance Committee considered the above matter in Closed Session on August 14, 2006.)

ADOPTED IN OPEN SESSION

MOTION (PARKS - HUIZAR)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$250,000 in settlement of the case entitled Soraya Rasmi v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 086587, from the Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Biren/Katzman, Soraya S. Rasmi and Syrus Rasmi.

This matter was approved by the Budget and Finance Committee (Parks - Greuel - Smith - Huizar - Rosendahl "yes") at its meeting of August 14, 2006, in Closed Session as permitted by Government 54956.9(a).

ITEM NO. (51) - ADOPTED - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #22 - Motion (Parks - Huizar) Adopted in Open Session, Ayes (12); Absent: Greuel, Padilla and Weiss (3)

06-1814

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Paul Bastidas v. City of Los Angeles, et al., United States District Court Case No. CV 04-8902-GAF. (This matter arises out of plaintiff's claims of unlawful arrest and civil rights violations by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on August 14, 2006.)

ADOPTED IN OPEN SESSION

MOTION (PARKS - HUIZAR)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$810,000 in settlement of the case entitled Paul Bastidas v. City of Los Angeles, et al., United States District Court Case No. CV 04-8902-GAF, from the Liability Claims Account No. 9770, Department 59, Fund 100.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Moreno and Perez and Paul Bastidas.

This matter was approved by the Budget and Finance Committee (Parks - Greuel - Huizar - Smith - Rosendahl "yes") at its meeting of August 14, 2006, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (52) - ADOPTED - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #23 - Motion (Hahn - Rosendahl) Adopted in Open Session, Ayes (12); Absent: Greuel, Padilla and Weiss (3)

05-0336-S2

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(b) and (c), to confer with its legal counsel relative to a proposed settlement on litigation involving City of Los Angeles, City of Long Beach, Alameda Corridor Transportation Authority (ACTA), BNSF Railway Company (BNSF), and Union Pacific Railroad Company (Union Pacific) related to fees payable by BNSF and Union Pacific to ACTA for cargo that arrives by ship and is reloaded into different containers prior to leaving Southern California by rail.

(Trade, Commerce, and Tourism Committee will consider the above matter in Closed Session on September 13, 2006)

ADOPTED IN OPEN SESSION

MOTION (HAHN - ROSENDAHL)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

APPROVE the three documents known as 1) The Settlement Agreement and Release Agreement; 2) The First Amendment to the Alameda Corridor Use and Operating Agreement; 3) The First Amendment to the Amended and Restated Joint Exercise of Powers Agreement which provides for the following:

- a. Permanent Fee Increase - The Railroads agree to an immediate \$0.90 per TEU permanent increase in the Use Fee and the Container Charge for loaded containers arriving or leaving by ship, effective 60 days following final City Council approval. The estimated value of this provision is \$250 million.
- b. Annual CPI Adjustment - The ceiling for the annual CPI fee/charge adjustment as defined in the UOA is increased from 3% to 4.5%. The revised annual CPI adjustment ceiling also applies to the permanent and temporary increases that are described herein. The estimated value of this provision is \$750 million.
- c. Additional Contingent Temporary Fee Increase - In addition to the permanent fee increase, the Railroads agree to a fee increase of \$1.00 per TEU in the Use Fee and Container Charge for loaded containers arriving or leaving by ship, which would be contingent upon the occurrence of an actual loan (Shortfall Advance) by the ports required by the UOA, and which would be payable thereafter until the ports are fully reimbursed consistent with the UOA for such Shortfall Advances plus interest at the T-bill interest rate. This provision essentially protects losses to the value of the two above provisions due to lower than expected trade growth or inflation and higher than expected transloading ratios.

- d. Extension of Term - the 35-year term during which the Railroads are required to pay Use Fees and Container Charges would be extended by 25 years from 2037 to 2062, unless all Corridor expenses are paid sooner. By extending the term, this provision ensures that the ports under most worst-case trade growth and transload ratio scenarios will receive all the reimbursements to which they are entitled. Under best-case scenarios, all Corridor expenses may be paid earlier than 2037 and the fees and charges would cease accordingly.

ITEM NO. (53) - ADOPTED - MOTION ADOPTED IN OPEN SESSION

Roll Call #24 - Motion (Parks - Smith) Adopted in Open Session, Ayes (12); Absent: Greuel, Padilla and Weiss (3)

03-2771

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a) to confer with its legal council relative to the case entitled Clear Channel Outdoor, et al., v. City of Los Angeles, et al., United States District Court, Central District of California, Case No. 02-7586 and Vista Media Group, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 282832.

(Planning and Land Use Management Committee considered the above matter in Closed Session on August 8, 2006; Budget and Finance Committee considered on August 14, 2006.)

(Continued from Council meeting of August 16, 2006)

ADOPTED IN OPEN SESSION

MOTION (PARKS - SMITH)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the Department of Building and Safety and the City Attorney to settle the litigation filed by Clear Channel and CBS challenging the City's off-site sign inspection program, upon the following terms, subject to final approval by the Department of Building and Safety and execution by the Office of the City Attorney on behalf of the City of Los Angeles:

1. Clear Channel and CBS shall each take down 49 structures of their choosing for a total take down of 98 structures.
2. Each company shall provide the City with addresses for all of their off-site sign structures in the City and with copies of all permits in their files.
3. Each company shall pay an initial inspection fee of \$186 per sign structure to cover the cost of inspection for the first three years, plus an additional \$184 to cover the cost of inspection for the second three years. The agreement shall terminate after 6 years.

4. Each company shall take down all structures erected in or after 1999, for which no permits can be located.
5. The City will allow each company to modernize up to 420 structures, for a total of 840 structures, to include: (i) digital technology that allows static advertising to be changed remotely rather than by physically changing poster sheets, (ii) tri-vision signs, (iii) horizontal or vertical back-lit 30 sheets and (iv) second faces on currently existing single faced structures, upon payment of applicable permit fee.
6. Each company shall return each of their sign structures to compliance with their respective permits, subject to the right to retain currently existing structures which vary in minor respect from their permit.
7. The City will issue permits for signs owned by each company and erected prior to July 1, 1986, for which permits cannot be located upon payment of applicable permit fees.
8. The City will allow each company to obtain a permit for each structure erected after July 1, 1986, but prior to 1999, for which no permit can be located, limited in number by the limit upon modernized structures, on the condition such structure could have been lawfully erected at the time of its construction and upon payment of applicable permit fees.
9. All disputes under the agreement shall be subjected to the Board of Building and Safety Commissioners or, at the discretion of Clear Channel or CBS to non-binding arbitration with costs paid by Clear Channel and CBS.
- 10. Each company shall dismiss their federal and state litigation and waive claims for attorneys' fees.**

This matter was approved by the Budget and Finance Committee (Parks - Huizar - Smith - Rosendahl - Greuel "yes") at its meeting of August 14, 2006, in Closed Session as permitted by Government Code Section 54956.9(a). (Planning and Land Use Management Committee, on August 8, 2006, additionally considered this matter in Closed Session.)

MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

06-2134

MOTION (WESSON - HUIZAR) relative to declaring the HOLA Open House on September 14, 2006 a Special Event (fees and costs absorbed by the City = \$2,286).

06-2135

MOTION (WESSON - WEISS) relative to declaring the South Robertson Neighborhood Council Survival Expo on September 17, 2006 a Special Event (fees and costs absorbed by the City = \$2,640).

06-2136

MOTION (WESSON - LABONGE) relative to declaring the West Angeles Community Fair on August 26, 2006 a Special Event (fees and costs absorbed by the City = \$1,226).

05-1738-S1

MOTION (WESSON - LABONGE) relative to declaring the Wilshire Vista Heights Summer Outreach Party on September 30, 2006 a Special Event (fees and costs absorbed by the City = \$1,226).

06-2137

MOTION (WEISS - ZINE) relative to declaring the Encino Hills Neighborhood Halloween Block Party on October 31, 2006 a Special Event (fees and costs absorbed by the City = \$1,188).

06-2138

MOTION (HAHN - PARKS) relative to declaring the Annual Saint Lawrence of Brindisi Church Carnival on September 15-17, 2006 a Special Event (fees and costs absorbed by the City = \$2,431).

06-2139

MOTION (HAHN - PARKS) relative to declaring the 25th Annual Watts Towers Day of the Drum Festival and the 30th Annual Simon Rodia Watts Towers Jazz Festival on September 23-24, 2006 a Special Event (fees and costs absorbed by the City = \$26,157).

05-1953

MOTION (HAHN - PARKS) relative to declaring the Second Annual Light at the Lighthouse on September 23, 2006 a Special Event (fees and costs absorbed by the City = \$4,731).

06-2141

MOTION (GREUEL - LABONGE) relative to declaring the St. Patrick's School Family Carnival on October 13-15, 2006 a Special Event (fees and costs absorbed by the City = \$6,238).

06-2142

MOTION (HAHN - PARKS) relative to declaring the Annual Autumn Sea Fair on October 15, 2006 a Special Event (fees and costs absorbed by the City = \$1,260).

04-1657

MOTION (CARDENAS for PADILLA - REYES) relative to declaring the Terrace Eagles Neighborhood Watch Block Party on September 9, 2006 a Special Event (fees and costs absorbed by the City = \$1,226).

06-2145

MOTION (HUIZAR - REYES) relative to declaring the Boyle Heights Technology Youth Center Ribbon Cutting Ceremony on September 22, 2006 a Special Event (fees and costs absorbed by the City = \$4,488).

05-1848

MOTION (CARDENAS for PADILLA - SMITH) relative to declaring the Council District Seven Community Clean Up on October 14, 2006 a Special Event (fees and costs absorbed by the City = \$3,800).

05-1848-S1

MOTION (CARDENAS for PADILLA - SMITH) relative to declaring the Council District Seven Community Clean Up on November 4, 2006 a Special Event (fees and costs absorbed by the City = \$3,800).

06-2146

MOTION (WESSON - HUIZAR) relative to declaring the Minority Aids Fashion Show on August 26, 2006 a Special Event (fees and costs absorbed by the City = \$1,226).

06-2148

MOTION (PERRY - PARKS) relative to declaring the Chicken Teriyaki Night on September 17, 2006 a Special Event (fees and costs absorbed by the City = \$1,225).

06-2149

MOTION (PERRY - PARKS) relative to declaring the Stair Climb to the Top on October 6-7, 2006 a Special Event (fees and costs absorbed by the City = \$25,350).

06-2150

MOTION (PERRY - PARKS) relative to declaring the Restaurant Show on October 13-14, 2006 a Special Event (fees and costs absorbed by the City = \$1,660).

06-2151

MOTION (ZINE - WESSON) relative to declaring the Light the Night Walk for Leukemia/Lymphoma on October 8, 2006 a Special Event (fees and costs absorbed by the City = \$8,096).

06-2152

MOTION (ZINE - WESSON) relative to declaring the Safety N Kids Traffic Summit on October 16-19, 2006 a Special Event (fees and costs absorbed by the City = \$17,626).

06-2143

MOTION (HUIZAR - REYES) relative to a request for an exemption from the Convention Center fee waiver policy for the First Annual Mexican Binational Convention on October 27-28, 2006.

06-2144

MOTION (GARCETTI - LABONGE) relative to a briefing of Council by the Board of Public Works on the City of Los Angeles Combined Charitable Campaign.

RESOLUTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

06-2140

RESOLUTION (ZINE - PERRY) relative to declaring September 25, 2006 as Family Day - A Day to Eat Dinner With Your Children in the City of Los Angeles.

06-2147

RESOLUTION (PARKS - GARCETTI) relative to declaring September 25-28, 2006 as Race Equality and Inclusive Communities Week in the City of Los Angeles.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

06-1547 - Port of Los Angeles	(Hahn - All Councilmembers)
Port of Long Beach	(Hahn - All Councilmembers)
Archbishop Emeritus Desmond Mpilo Tutu	(Garcetti - Parks)
Russell J. Hammer	(Garcetti - Greuel)

At the conclusion of this day's Council Session
ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

06-1548 - Perry Parks, Jr.	(Wesson - All Councilmembers)
Doug Martin	(Hahn)
Harold Romberg	(Hahn)
Alex Torres	(Hahn)
Dick "Huggy Boy" Hugg	(LaBonge)
Anita Feltus McCoy	(LaBonge)
Elisa Paolina	(LaBonge)
Captain Lane Kemper	(Zine - Smith - All Councilmembes)

Ayes, Cardenas, Hahn, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Smith, Wesson, Zine and President Garcetti (12); Absent: Greuel, Padilla and Weiss (3).

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL