

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **August 5, 2009**
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: Alarcón, Cárdenas, Hahn, Huizar, Koretz, LaBonge, Parks, Perry, Reyes, Wesson, and President Garcetti (10); Absent: Parks, Rosendahl, Smith and Zine (4); Vacant: Council District Two

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JULY 31, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 30

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 1-4

ITEM NO. (1) - CONTINUED TO AUGUST 12, 2009

Roll Call #1 - Motion (Wesson - Reyes) Adopted To Continue, Unanimous Vote (10); Absent: Parks, Rosendahl, Smith and Zine (4)

[08-0644](#)

GENERAL EXEMPTION, COMMUNICATION FROM CHAIR and MEMBER, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to establishing a fee for appealing a determination regarding the status of a unit in a Residential Hotel as Residential or Transient.

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

1. FIND that the adoption of the accompanying Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Article 18, Section 15060 (c)(2) of the California CEQA Guidelines and Article II, Section 2(m) of the City CEQA Guidelines.
2. PRESENT and ADOPT the accompanying ORDINANCE amending Section 47.76 of the Los Angeles Municipal Code to establish a fee for appealing a determination regarding the status of a unit in a Residential Hotel as Residential or Transient.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (2) - ADOPTED - ORDINANCE OVER TO AUGUST 12, 2009

Roll Call #18 - Motion (LaBonge - Reyes) Adopted, Ordinance Over One Week, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

[08-3420](#)

PUBLIC WORKS COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the acquisition of real property by eminent domain located north of Forest Lawn Drive, west of Zoo Drive, and along the south side of the Ventura Freeway (APN 5581-001-001) for the Silver Lake Reservoir Complex Storage Replacement Project.

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

1. CONCUR with the Board of Water and Power Commissioners' action of March 17, 2009, Resolution No. 009-196, authorizing the acquisition of real property by eminent domain located north of Forest Lawn Drive, west of Zoo Drive, and along the south side of the Ventura Freeway in the City of Burbank (APN 5581-001-001) for the Silver Lake Reservoir Complex Storage Replacement Project.
2. PRESENT and ADOPT the accompanying ORDINANCE authorizing the condemnation of property located north of Forest Lawn Drive, west of Zoo Drive and south of the Ventura Freeway in the City of Burbank (APN No. 5581-001-001) for the Silver Lake Reservoir Complex Storage Replacement Project.
3. REQUEST the City Attorney to take all action necessary to authorize payment for the acquisition of the property located north of Forest Lawn Drive, west of Zoo Drive, and along the south side of the Ventura Freeway (APN 5581-001-001).
4. AUTHORIZE the City Attorney to make the necessary deposit of probable just compensation and seek an order from the Court to obtain pre-judgment possession of the property located north of Forest Lawn Drive, west of Zoo Drive, and along the south side of the Ventura Freeway (APN 5581-001-001).

Fiscal Impact Statement: The City Administrative Officer reports that approval of this request will not impact the General Fund. The one-time cost to the Los Angeles Department of Water and Power (LADWP) is \$16,220, which includes: Purchase Price - \$9,000; Owner's Appraisal - \$5,000; Title Insurance - \$360; Litigation Guarantee - \$860; Escrow Fees - \$750; and Miscellaneous Expenses - \$250. Since the LADWP is only bound by the City Debt Management Policies, the City Financial Policies are not applicable.

Community Impact Statement: None submitted.

W.O. No. UAK6
R/W No. 13082

(Scheduled pursuant to Council action of July 22, 2009)

ITEM NO. (3) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO DENY APPLICATION - SEE FOLLOWING

Roll Call #11 - Motion (Reyes - Koretz) Adopted To Deny Application, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (5)

[09-1263](#)

CD 11

CONTINUED CONSIDERATION OF HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" Alcohol Sales for off-site consumption at Express Food Mart located at 305 Lincoln Boulevard.

Recommendations for Council action:

1. DETERMINE that the "Public Convenience or Necessity" WILL NOT BE SERVED by the proposed sale of alcohol for off-site consumption at Express Food Mart located at 305 Lincoln Boulevard, Venice, 90291, inasmuch as the site is located in a high crime reporting district and in a census tract with an undue concentration of alcoholic beverage sales licenses.
2. DENY the Application for Determination of Public Convenience or Necessity" for the sale of alcoholic beverages at 305 Lincoln Boulevard, based upon the above finding and the negative influence associated with the sale of alcohol in the concerned community.
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: 777 Market, Inc. (Amlex - Attn: Lorrie Hoel, representative)

TIME LIMIT FILE - AUGUST 5, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 5, 2009)

(Continued from Council meeting of July 24, 2009)

ADOPTED

MOTION (WESSON for ROSENDAHL - PERRY)

Recommendations for Council action:

1. DENY the application for a finding of "Public Convenience or Necessity" to issue a new liquor license to sell beer and wine for off-site consumption to Express Food Mart, located at 305 Lincoln Boulevard, Venice, California 90291, based upon the findings below.

2. **FIND that the "Public Convenience or Necessity" WILL NOT be served by issuing a license to sell beer and wine for off-site consumption to Express Food Mart, located at 305 Lincoln Boulevard, Venice California 90291, inasmuch as the proposed site is located in a district that experiences a high level of what the Los Angeles Police Department (LAPD) terms "quality of life" incidents, including public drunkenness, trespassing, loitering and public urination and defecation.**
3. **FIND that the "Public Convenience or Necessity" WILL NOT be served by issuing a license to sell beer and wine for off-site consumption to Express Food Mart, located at 305 Lincoln Boulevard, Venice, California 90291, inasmuch as the proposed site is located within 1000 feet of a gang injunction zone, an area affected by gangs and gang activity.**
4. **FIND that the "Public Convenience or Necessity" WILL NOT be served by issuing a license to sell beer and wine for off-site consumption to Express Food Mart, located at 305 Lincoln Boulevard, Venice, California 90291, inasmuch as the proposed site is located in a district that presently has an undue concentration of licenses and establishments.**

THE EVIDENCE in the record of the administrative proceedings which supports the findings includes, but is not limited to, the following:

- i) **The location of the proposed site is in District No. 1414, which reports high occurrences of "quality of life" incidents, which according to the LAPD include public drunkenness, trespassing, loitering and public urination and defecation. The LAPD anticipates that the sale of alcohol at this site will result in more quality of life incidents, especially since the proposed site is located next to a check cashing establishment.**
 - ii) **The proposed site is located within 1000 feet of a gang injunction zone. The LAPD has stated that alcohol sales and consumption increase the rate of crime, and therefore the sale of alcohol beverages in the area would tend to create a law enforcement problem.**
 - iii) **The LAPD reports many sensitive uses within 1000 feet of the proposed site. These sensitive uses include the Venice Community Housing Corp.; St. Joseph's Homeless Service Center; Venice Family Clinic/Homeless Services; Mental Health Services; and the St. Joseph Infant and Toddler Development Center. Additional sensitive uses located within walking distance of the site include a day care, a preschool, an elementary school, and the Oakwood Recreation Center and Park, which provides after school services, summer camp, and a senior lunch service.**
 - iv) **The proposed site is located in Census Tract 2732, which is allotted three licenses for off-site sales, and those licenses have already been issued to locations in the area. Additionally, the LAPD reports 11 establishments with on-site alcohol licenses within a mile of the proposed location, and 13 establishments with on-site alcohol licenses within half a mile of the proposed location. Therefore, there is already an undue concentration of licenses in the area around the proposed site.**
5. **INSTRUCT the City Clerk to transmit this determination to the State Department of Alcohol Beverage Control as the required finding under Business and Professions Code Section 23958.4.**

ITEM NO. (4) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #12 - Motion (Reyes - Koretz) Adopted To Grant Application, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

[09-1633](#)

CD 11

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for on-site consumption at Cadillac Hotel café.

1. DETERMINE that the issuance of a liquor license at Cadillac Hotel café located at 401 Ocean Front Walk, Venice, 90291, 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 at 401 Ocean Front Walk.
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: Sris Sinnathamby, Venke Development, Inc. (Jon Perica, Pacific Crest Consultants, representative)

TIME LIMIT FILE - AUGUST 13, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 12, 2009)

Items for Which Public Hearings Have Been Held - Items 5-25

Roll Call #5 - Motion (Wesson - Reyes) Adopted, Ayes (10); Absent: Parks, Rosendahl, Smith and Zine (4) (Item Nos. 5-6)

ITEM NO. (5) - ADOPTED - SEE FOLLOWING

[07-2545](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Ms. Alice Torres Salinas to the Affordable Housing Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Alice Torres Salinas to the Affordable Housing Commission for the new term ending June 30, 2014, is APPROVED and CONFIRMED. Ms. Torres Salinas resides in Council District One. (Current Board gender composition: M=3; F=4)

Ethics Commission Review: Pending

Background Check Review: Pending

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 30, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

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

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the reappointment of Ms. Alice Torres Salinas to the Affordable Housing Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Torres Salinas to the Affordable Housing Commission for the new term ending June 30, 2014, is **APPROVED** and **CONFIRMED**. Ms. Torres Salinas resides in Council District One. (Current Board gender composition: M=3; F=4)

Ethics Commission Review: Pending

Background Check Review: Pending

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 30, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

ITEM NO. (6) - ADOPTED

[09-1769](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Rev. William Epps to the Affordable Housing Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Rev. William Epps to the Affordable Housing Commission for the new term ending June 30, 2014, is **APPROVED** and **CONFIRMED**. Rev. Epps resides in Council District Nine. (Current Board gender composition: M=3; F=4)

Ethics Commission Review: Pending

Background Check Review: Pending

Community Impact Statement: None submitted

TIME LIMIT FILE - AUGUST 30, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

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

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the reappointment of Rev. William Epps to the Affordable Housing Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Rev. Epps to the Affordable Housing Commission for the new term ending June 30, 2014, is **APPROVED** and **CONFIRMED**. Rev. Epps resides in Council District Nine. (Current Board gender composition: M=3; F=4)

Ethics Commission Review: Pending

Background Check Review: Pending

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 30, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

ITEM NO. (7) - ADOPTED

Roll Call #13 - Motion (Hahn - Huizar) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)

[09-1778](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the Mayor's appointment of Mr. Phillip Trigas to the Harbor Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Phillip Trigas to the Harbor Area Planning Commission for the term ending June 30, 2012, to fill the vacancy created by Kenneth Melendez, is APPROVED and CONFIRMED. Mr. Trigas is a resident of Council District 15. (Current Commission gender composition: M=1; F=3; vacancy = 1)

Ethics Commission Review: Complete

Background Check Review: Pending

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 31, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

ITEM NO. (8) - ADOPTED - SEE FOLLOWING

Roll Call #11 - Motion (Koretz - Hahn) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)

[09-1725](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Sam Nazarian to the Board of Airport Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Sam Nazarian to the Board of Airport Commissioners for the term ending June 30, 2014 to fill the vacancy created by Ms. Christine Essel, is APPROVED and CONFIRMED. (Current Commission gender composition: M=4; F=3)

Ethics Commission Review: Complete

Background Check Review: Complete

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 27, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

(Trade, Commerce, and Tourism Committee report to be submitted in Council. If a 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 Trade, Commerce, and Tourism Committee at 213-978-1077)

ADOPTED

TRADE, COMMERCE AND TOURISM COMMITTEE REPORT relative to the appointment of Mr. Sam Nazarian to the Board of Airport Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Sam Nazarian to the Board of Airport Commissioners for the term ending June 30, 2014 is APPROVED and CONFIRMED. Mr. Nazarian will fill the vacancy created by Ms. Christine Essel. Mr. Nazarian resides in Council District Five. (Current Commission gender composition: M=4; F=3)

Ethics Commission Review: Complete

Background Check Review: Complete

TIME LIMIT FILE - AUGUST 27, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

**Roll Call #7 - Motion (Wesson - Reyes) Adopted, Ayes (11); Absent: Rosendahl, Smith and Zine (3)
(Item Nos. 9-25)**

ITEM NO. (9) - ADOPTED - ORDINANCE OVER TO AUGUST 12, 2009

09-1780

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the establishment of the salaries for new classes of General Manager and Assistant General Manager of the Human Services Department and a salary recommendation for the Interim General Manager.

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

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the salaries of General Manager Human Services Department, Code 0391, Salary Range M-7 (\$123,276 - \$184,913) and Assistant General Manager Human Services Department, Code 0392, at Salary Range 4723 (\$98,616 - \$122,524), and provide executive vacation benefits for the new class of General Manager Human Services Department.
2. APPROVE the Mayor's salary recommendation of \$123,276 for Ms. Cheryl Soriano as Interim General Manager Human Services Department, upon the effective date of the Ordinance establishing the new Human Services Department.
3. AUTHORIZE the City Administrative Officer (CAO), upon accretion of the classes to bargaining units, to amend the appropriate Memorandum of Understanding to reflect the salaries approved by Ordinance.

Fiscal Impact Statement: The CAO reports that funds were budgeted in the 2009-10 Human Services Department budget for the two new positions, which replace two existing positions. Therefore, no additional General Fund appropriation is necessary.

Community Impact Statement: None submitted.

ITEM NO. (10) - ADOPTED

[09-1774](#)

CD 11

ORDINANCE OF INTENTION SECOND CONSIDERATION setting the date of **SEPTEMBER 30, 2009** as the hearing date for the maintenance of the Jefferson Boulevard and Bay Street Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

(Communication from the Bureau of Street Lighting adopted on July 29, 2009)

ITEM NO. (11) - ADOPTED

[08-0600-S65](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to payment of utilities by City departments.

Recommendations for Council action:

1. NOTE and FILE the City Administrative Officer (CAO) report relative to payment of utilities by City departments, inasmuch as the report is submitted for information only and no Council action is necessary.
2. INSTRUCT the CAO, that for next fiscal year, the goal should be to reduce the General Fund appropriation to the Library Department and the Department of Recreation and Parks and that these departments live within the confines of their respective budgets, made up of Charter mandated appropriations and department revenues, but not add utility payments.

Fiscal Impact Statement: The CAO reports that this report is informational only and there is no fiscal impact. Therefore, the City Financial Policies are not applicable.

Community Impact Statement: None submitted.

ITEM NO. (12) - ADOPTED

[07-3580-S1](#)

CD 1

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the installation of additional security cameras and the maintenance of all security cameras in the Westlake Recovery Redevelopment Project Area (WRRPA).

Recommendation for Council action, as initiated by Motion (Reyes - Perry):

INSTRUCT the Community Redevelopment Agency to report back in 30 days with a review of the WRRPA budget to identify possible funding sources for the acquisition, installation, and maintenance of additional security cameras in MacArthur Park.

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

Community Impact Statement: None submitted.

ITEM NO. (13) - ADOPTED

[07-3899](#)

CD 14

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to executing a Loan Agreement in the amount of \$4.5 million for the Ford Apartments Project (Project) located at 1000-02 East Seventh Street.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to execute, not sooner than 30 days after approval of the Replacement Housing Plan and Relocation Plan, a Loan Agreement and other related loan documents with Ford Apartments, LP [Developer; Single Room Occupancy (SRO) Housing Corporation, sole general partner], to allow for the conversion of an existing CRA Acquisition Loan in the amount of \$4.5 million to a Permanent Loan, 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 impact on the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (14) - ADOPTED

[09-1737](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the funding and implementation of the Green Retrofit and Workforce Program, the LA River Revitalization Master Plan, and the LA CleanTech Corridor Initiative during the next 10 years.

Recommendations for Council action, as initiated by Motion (Wesson - Huizar):

1. INSTRUCT the Department of General Services (GSD) and the Bureau of Engineering (BOE) to report to Council on how much funding would be needed for the rehabilitation of City-owned buildings for implementation of the Green Retrofit and Workforce Program during the next ten years.
2. INSTRUCT the BOE to report to the Council on how much funding would be needed for the implementation of the Los Angeles River Revitalization Master Plan during the next ten years. (This report will focus on the removal of concrete along the river bed to return the river to a natural state.)

3. INSTRUCT the Community Redevelopment Agency (CRA) to report to the Council on how much funding would be needed for land acquisition, development, and equipment purchasing for the implementation of the Los Angeles CleanTech Corridor Initiative during the next ten years.
4. INSTRUCT the City Administrative Officer (CAO), Chief Legislative Analyst (CLA), CRA, GSD, and BOE to provide the aforementioned reports so the City Attorney can prepare a resolution to place this measure on a future state or municipal ballot.
5. CREATE a working group consisting of representatives from the Offices of Council Districts One, Nine, and 10 as well as the CAO, CLA, CRA, GSD, and BOE to coordinate City efforts to take advantage of future funding opportunities as well as to place a bond measure on the ballot at an appropriate time in the future.

Fiscal Impact Statement: Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[09-1526](#)

CD 3

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to the West Valley Alleys Reconstruction Project (Project).

Recommendations for Council action:

1. ADOPT the accompanying joint RESOLUTION [attached to the Chief Legislative Analyst (CLA) report dated July 27, 2009] between the Community Redevelopment Agency (CRA) and the City, pursuant to Section 33445 of the California Health & Safety Code, making the findings that:
 - a. The Project is of benefit to the Earthquake Disaster Assistance Project Area for Portions of Council District Three (Project Area).
 - b. There are no other reasonable means of financing these public improvements other than through the use of tax increment funds.
 - c. The Project will assist in the elimination of one or more blighting conditions within the Project Area and is consistent with the Five Year Implementation Plan.
2. APPROVE the transfer of \$71,000 from the CRA Fiscal Year 2009 (FY09) Budgeted Line item "Housing" to Budgeted Line Item "Public Improvements," increasing this line item to \$714,000.

Fiscal Impact Statement: The CLA reports that there is no General Fund impact. The Project will be funded from tax increment funds.

Community Impact Statement: None submitted.

ITEM NO. (16) - ADOPTED

[09-1665](#)

CD 12

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to executing a Second Supplemental Trust Agreement (SSTA) to amend certain provisions with respect to City Fixed Rate Certificates of Participation (Certificates) issued for the benefit of the Sierra Canyon High School Foundation (Foundation) Project (Project).

Recommendations for Council action:

1. FIND that the SSTA is necessary and appropriate to accomplish the City's community and economic development objectives.
2. ADOPT the accompanying RESOLUTION [attached to the City Administrative Officer (CAO) report dated July 24, 2009] relating to the execution and delivery of a second supplement to the Trust Agreement established in 2006 for the benefit of the Foundation, a non-profit California corporation, subject to the review of the City Attorney as to form and legality.
3. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to negotiate and execute a SSTA and any other documents, agreements, or certificates as necessary to carry out the intent of the Resolution, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The CAO reports that there is no impact on the General Fund impact. The CDD will receive \$5,000 as a modification fee which will contribute towards the CDD's administrative costs. The fee is anticipated in the Fiscal Year 2009-10 Adopted Budget. Approval of the recommendations in this report will allow the City to negotiate and execute a supplemental agreement to the existing Trust Agreement for Certificates issued in 2006 for the benefit of the Project. The recommendations in this report comply with City financial and debt management policies in that no new bond proceeds are generated and no pledge of public funds for backing, security, or repayment of the Certificates are required. The outstanding debt will be repaid from operating revenues of the Borrower. The City is not providing any financial assistance to this Project.

Community Impact Statement: None submitted.

ITEM NO. (17) - ADOPTED

[09-1781](#)

CD 4

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to executing a Loan Agreement in an amount not to exceed \$4.68 million, for the development of a Mixed-Use Affordable Senior Housing Project (Project) located at 5555 Hollywood Boulevard.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to execute a Loan Agreement with 5555 Hollywood LP (Developer) in an amount not to exceed \$4.68 million for the purpose of developing the Project located at 5555 Hollywood Boulevard in the Hollywood Redevelopment Project Area in Council District Four, and take such other actions as may

be necessary to carry out tasks set forth in the Loan Agreement, subject to the review of the City Attorney as to form and legality and the Department of Public Works, Bureau of Contract Administration, as to compliance with certain CRA contracting requirements.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the General Fund. The City's Financial Policies are not applicable to the CRA. The CRA is only bound by the disclosure provisions of the City's Debt Management Policies. Approval of the recommendation will result in the expenditure of an amount not to exceed \$4.68 million of Low and Moderate Income Housing Funds from the CRA Hollywood Redevelopment Project Area for the development of affordable senior housing.

Community Impact Statement: None submitted.

ITEM NO. (18) - ADOPTED

[09-1793](#)

CD 3

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to executing a Loan Agreement in an amount not to exceed \$6.37 million for the construction of the Canby Woods Affordable Senior Housing Project (Project) located at 7238 North Canby Avenue.

Recommendations for Council action:

1. ADOPT the accompanying joint RESOLUTION [attached to the City Administrative Officer (CAO) report dated July 28, 2009] between the City and the Community Redevelopment Agency (CRA) finding that an economically feasible alternative of financing the Project, on substantially comparable terms but without subordination of the CRA Deed of Trust, covenants, and use restrictions, is not reasonably available, and to authorize the subordination of the CRA's Deed of Trust, covenants, and use restrictions to the Deeds of Trust of the other lenders providing financing for the Project.
2. AUTHORIZE the Chief Executive Officer, CRA, or designee, to execute a Loan Agreement with Bixel House LP (Developer), in an amount not to exceed \$6.37 million for the purpose of developing the Project sited at 7238 North Canby Avenue in the Earthquake Disaster Assistance Project Area For Portions of Council District Three (CD3RPA), and take such other actions as may be necessary to carry out tasks set forth in the Loan Agreement, subject to the review of the City Attorney as to form and legality and the Department of Public Works, Bureau of Contract Administration, as to compliance with certain CRA contracting requirements.

Fiscal Impact Statement: The CAO reports that there is no impact on the General Fund. Approval of the recommendations will result in the expenditure of an amount not to exceed \$6.37 million of Low and Moderate Income Housing Funds from the CRA CD3RPA for the development of affordable senior housing. The City's Financial Policies are not applicable to the CRA. The CRA is only bound by the disclosure provisions of the City's Debt Management Policies.

Community Impact Statement: None submitted.

ITEM NO. (19) - ADOPTED

[09-1796](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to awarding contracts to 45 firms, in a total amount not to exceed \$2.5 million, to provide as-needed architectural consulting services for various Community Redevelopment Agency (CRA) projects.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, CRA, or designee, to negotiate and execute contracts with 45 architectural firms, for a total aggregate amount not to exceed \$2.5 million, on an as-needed basis, in various service categories, for a period of three years with two one-year options to renew, 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 impact on the General Fund. Funds will be derived from various projects including Tax Increment and/or Community Development Block Grant.

Community Impact Statement: None submitted.

ITEM NO. (20) - ADOPTED

[09-1439](#)

PERSONNEL COMMITTEE REPORT relative to the 2006-09 Port of Los Angeles Command Officers' Unit Memorandum of Understanding (MOU).

Recommendations for Council action:

1. APPROVE the 2006-09 MOU for the Port of Los Angeles Command Officers' Unit.
2. AUTHORIZE the City Administrative Officer (CAO) and the Controller to correct any clerical errors in the MOU, or if approved by the City Attorney, any technical errors.

Fiscal Impact Statement: The CAO reports that the annual ongoing cost is approximately \$246,000, all of which is an obligation of the Harbor Department.

Community Impact Statement: None submitted.

ITEM NO. (21) - ADOPTED

[09-0857](#)

CD 9

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to street dedications and improvements for property at 4900 South Main Street/Joel John Scholastic Academy High School.

Recommendation for Council action, pursuant to Motion (Perry - Rosendahl):

APPROVE the June 1, 2009, Department of Public Works, Bureau of Engineering (BOE) recommendations relative to allowing the Joel John Scholastic Academy High School to fulfill the public improvement requirements by providing an irrevocable dedication of the street right-of-way. The required dedication shall be a five-foot strip of land on the east side of Main Street along the property of Lots 15-18 of the F.L. Ford's Subdivision of Block B, Eagle Tract, including a 15-foot by 15-foot cut at the southeast corner with 49th Street. The BOE reports since sidewalk repairs have been done and street trees have been installed along with irrigation, no further street improvements will be required.

Fiscal Impact Statement: None submitted by the BOE. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (22) - ADOPTED

[09-1530](#)
CD 10

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Ashby Apartments located at 808 South Hobart Boulevard 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 Ashby Apartments located at 808 South Hobart Boulevard in the list of Historic Cultural Monuments.

Owner/Applicant: Virtu Investments, Steve Costas CHC 2009-402 HCM
Representative: Laura Janssen, Historic Resources Group, LLC

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.

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 19, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

ITEM NO. (23) - ADOPTED

[09-1531](#)
CD 10

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Marshall-Kline Residence located at 2037 South Harvard Boulevard 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 Marshall-Kline Residence located at 2037 South Harvard Boulevard in the list of Historic Cultural Monuments.

Applicant: Harvard Heights Neighborhood Association/West Adams Heights/
Sugar Hill Neighborhood Association CHC 2009-667 HCM
Owner: Michael and Teri Shaw

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.

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 19, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

ITEM NO. (24) - ADOPTED

[09-0099-S1](#)

TRANSPORTATION COMMITTEE REPORT relative to the Los Angeles County Metropolitan Transportation Authority (MTA) preliminary staff recommendations for the 2009 Call For Projects.

Recommendation for Council action, pursuant to Motion (LaBonge - Hahn):

DIRECT the Los Angeles Department of Transportation to report on the MTA's preliminary staff recommendations for the 2009 Call For Projects and include a list of the City projects that have received preliminary approval for funding and the total amount of matching funds that will be necessary for the projects.

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

Community Impact Statement: None submitted

ITEM NO. (25) - ADOPTED

[08-0952](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT and PERSONNEL COMMITTEES' REPORT relative to various actions in connection with the receipt of a \$700,000 John D. and Katherine T. MacArthur Foundation Grant (MacArthur Grant) to enhance the Affordable Housing Preservation Program (AHPP).

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

1. AUTHORIZE the Treasurer to allocate and credit all interest earned in Fund Number 49N/43, LAHD Small Grants and Awards Fund.

2. AUTHORIZE the Controller to:

- a. Amend Fund Number 49N/43, LAHD Small Grants and Awards, to be an interest bearing fund.
- b. Record expected receipts from the MacArthur Grant in the grant receivable balance sheet account in Fund Number 49N/43, LAHD Small Grants and Awards Fund.
- c. Establish new accounts and appropriate \$700,000 within Fund Number 49N/43, LAHD Small Grants and Awards Fund as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
F143	LAHD	\$190,210
F299	Related Costs	27,170
F243	Administrative Reserve	<u>482,620</u>
	Total	\$700,000

- d. Appropriate additional funds within Fund Number 49N/43, Account Number F243, Administrative Reserve, upon receipts of future program income from interest and other sources upon proper written demand by the General Manager, Los Angeles Housing Department (LAHD), or designee, for the implementation of the AHPP and for program administration in accordance with applicable State and Federal guidelines and all City rules, regulations, and ordinances.

- e. Increase appropriations within the LAHD Fund Number 100/43, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries, General	\$53,442
2130	Travel	5,000
3040	Contractual Services	126,951
6010	Office and Administrative	<u>4,817</u>
	Total	\$190,210

- 3. RESOLVE that Employment Authority for one Project Assistant, Class Code 1542, in the LAHD for the MacArthur Grant from July 1, 2009 through June 30, 2010, subject to the review and approval by the Civil Service Commission as to Civil Service classification and exemption in accordance with Charter Section 1001 (d)(4), based on the temporary grant funded nature of the program, is APPROVED.
- 4. AUTHORIZE a one-time exemption from the City's Managed Hiring Process for the Project Assistant Position.
- 5. AUTHORIZE the General Manager, LAHD, or designee, to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with these actions, subject to the approval of the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The CAO reports that there is no impact on the General Fund. Enhancements of the AHPP are fully reimbursable by the Grant and do not require a City match. Approval of the recommendations is in compliance with the City's Financial Policies as the Grant funds all grant eligible activities.

Community Impact Statement: None submitted.

Item s for Which Public Hearings Have Not Been Held - Items 26-35

(10 Votes Required for Consideration)

ITEM NO. (26) - ADOPTED - ORDINANCE OVER TO AUGUST 12, 2009

Roll Call #8 - Motion (Parks - Huizar) Adopted, Ayes (11); Absent: Rosendahl, Smith and Zine (3)

[07-2455](#)

COMMUNICATION FROM CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending Ordinance No. 180807 setting the tax rate for the Special Police Communications/911 System for the Fiscal Year (FY) 2009-10.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Ordinance No. 180807 setting the tax rate for the Special Police Communications/911 System for the FY 2009-10, to correctly identify the FY 2009-10 tax rate.

(Budget and Finance Committee waived consideration of the above matter)

ITEM NO. (27) - CONTINUED TO AUGUST 12, 2009

Roll Call #2 - Motion (Garcetti - Wesson) Adopted To Continue, Unanimous Vote (11); Absent: Parks, Rosendahl, Smith and Zine (4)

[09-0002-S145](#)

COMMUNICATION FROM CHIEF LEGISLATIVE ANALYST and RESOLUTION (HAHN - LABONGE) relative to the City's position on HR 2355 (Richardson), which would provide funding for infrastructure projects that will improve the movement of goods.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 Federal Legislative Program SUPPORT for HR 2355 (Richardson), the Making Opportunities Via Efficient and More Effective National Transportation Act of 2009, which would provide funding for infrastructure projects that will improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

ITEM NO. (28) - ADOPTED

Roll Call #13 - Motion (Hahn - Koretz) Adopted, Ayes (9); Noes: Parks (1); Absent: Perry, Rosendahl, Smith and Zine (4)

[09-0002-S148](#)

COMMUNICATION FROM CHIEF LEGISLATIVE ANALYST and RESOLUTION (ZINE- HAHN - KORETZ) relative to the City's position on H.R. 2835 (Frank), the Medical Marijuana Patient Protection Act, to provide for the medical use of marijuana in accordance with the laws of the various states.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 Federal Legislative Program SUPPORT for H.R. 2835 (Frank, D-Massachusetts), the Medical Marijuana Patient Protection Act, to provide for the medical use of marijuana in accordance with the laws of the various states.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

Roll Call #8 - Motion (Parks - Huizar) Adopted, Ayes (11); Absent: Rosendahl, Smith and Zine (3) (Item No. 29-30)

ITEM NO. (29) - ADOPTED

[08-0508-S3](#)

CDs 9 & 14

CONSIDERATION OF MOTION (HUIZAR - ROSENDAHL) relative to authorization to submit a grant application to the California Department of Transportation (Caltrans)/Federal Highway Administration (FHWA) for \$4.5 million for the First Street Viaduct and Street Widening Project.

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

1. AUTHORIZE the Bureau of Engineering to submit a grant application with Caltrans/FHWA under the Highway Bridge Program for the First Street Viaduct and Street Widening Project for \$4.5 million.

2. AUTHORIZE the City Engineer to execute the grant agreement and approve the grant funds.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (30) - ADOPTED

[08-0206-S2](#)

CD 12

CONSIDERATION OF RESOLUTION (SMITH - WESSON) relative to extending the provisions of Ordinance No. 179607 imposing temporary interim regulations on the issuance of building permits within a portion of the Granada-Hills-Knollwood Community Plan area known as the Balboa Highlands.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION extending the provisions of Ordinance No. 179607 imposing temporary interim regulations on the issuance of building permits within a portion of the Granada-Hills-Knollwood Community Plan area (known as the Balboa Highlands), generally bounded by four main streets: Darla Avenue, Lisette Street, Nanette Street, and Jimeno Avenue west of Balboa Boulevard, for a period of 180 days inasmuch as the Office of Historic Resources and City Planning Department are actively working towards the adoption of the Balboa Highlands Historic Preservation Overlay Zone.

Community Impact Statement: None submitted.

(Planning and Land Use Management Committee waived consideration of the above matter)

ITEM NO. (31) - ADOPTED - FORTHWITH TO THE MAYOR

Roll Call #15 - Motion (Garcetti - Hahn) Adopted, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

[09-0002-S160](#)

CONSIDERATION OF RESOLUTION (GARCETTI - HAHN - PERRY - HUIZAR) relative to the City's position on health care reform.

Recommendation for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 Federal Legislative Program SUPPORT for the immediate enactment of the Administration's health care reform principles.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

**Roll Call #8 - Motion (Parks - Huizar) Adopted, Ayes (11); Absent: Rosendahl, Smith and Zine (3)
(Item No. 32a-33)**

ITEM NO. (32) - ADOPTED

08-1385-S1

et al. MOTIONS relative to "Special Events" to be held in the various Council Districts.

Recommendations for Council action:

DECLARE the following community events as "Special Events"; APPROVE any temporary street closures as requested; and, INSTRUCT the involved City departments to perform such services as detailed the Council motions attached to the various listed Council files, including the waiver of fees, costs and requirements and other related issues, as specified:

08-1385-S1

CD 11

- a. MOTION (PERRY for ROSENDAHL - REYES) relative to declaring the Vero Club La Grande Brentwood Grand Prix on August 9, 2009 a Special Event (fees and costs absorbed by the City = \$10,612).

09-1897

CD 11

- b. MOTION (PERRY for ROSENDAHL - REYES) relative to declaring the Third Annual 85th Street Neighborhood Watch Block Party on August 29, 2009 a Special Event (fees and costs absorbed by the City = \$1,642).

09-1898

CD 5

- c. MOTION (KORETZ - HUIZAR) relative to declaring the National Night Out Block Party Event on August 4, 2009 a Special Event (fees and costs absorbed by the City = \$1,188).

09-1900

CD 3

- d. MOTION (ZINE - SMITH) relative to declaring the National Night Out on August 4, 2009 a Special Event (fees and costs absorbed by the City = \$1,642).

ITEM NO. (33) - ADOPTED

09-0010-S45

MOTION (CARDENAS - SMITH) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for various crimes.

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

1. PROVIDE an offer of reward in the amount of \$50,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for various crimes.

2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

ITEM NO. (34) - ADOPTED

Roll Call #14 - Motion (Huizar - LaBonge) Adopted, Ayes (11); Absent: Rosendahl, Smith and Zine (3)

[07-2146-S1](#)

RESOLUTION (REYES - GARCETTI - HUIZAR) relative to declaring August 6, 2009 as El Dia del Salvadoreno (Salvadoran Day) in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE August 6, 2009 as El Dia del Salvadoreno (Salvadoran Day) in the City of Los Angeles.

ITEM NO. (35) - ADOPTED

Roll Call #14 - Motion (Huizar - Reyes) Adopted, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

[09-1911](#)

CD 5

FINAL MAP OF TRACT NO. 54012 located at 1929 Selby Avenue for property lying westerly of Selby Avenue and southerly of Missouri Avenue.

(Approve Subdivision Improvement Agreement and Contract with attached security documents)

(ADOPT City Engineer Report)

(ADOPT Bond No. C-115633)

(Quimby Fee: \$15,925)

Applicants: Selby, LLC

Iacobellis & Associates, Inc.

Items Called Special

Motions for Posting and Referral

Closed Sessions - Items 36-40

ITEM NO. (36) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #16 - Motion (Reyes - Koretz) Adopted, Ayes (10); Absent: Rosendahl, Smith, Zine and President Garcetti (5)

08-1573-S1

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a) to confer with its legal counsel relative to litigation status/transmittal of settlement proposal letter for the following cases entitled:

World Wide Rush, LLC v. the City of Los Angeles, United States District Court (USDC) Case No. CV 07-238

Metro Lights v. City of Los Angeles, USDC Case No. CV 07-55179

Jamison 1055 Wilshire LLC v. City of Los Angeles, USDC Case No. CV 08-04762

Sky Tag, Inc. v. City of Los Angeles, USDC Case No. CV 08-007584

Summit Media v. City of Los Angeles, Los Angeles Superior Court Case No. BS 116611

(On July 7, 2009, the Planning and Land Use Management Committee considered this matter in Closed Session.)

(Continued from Council meeting of July 29, 2009)

ADOPTED

MOTION (REYES - WESSON - KORETZ)

Recommendation for Council action:

DIRECT the City Clerk to place an ordinance amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of the Los Angeles Municipal Code to completely ban off-site, supergraphic, digital displays and off-site freeway facing signs on a special meeting agenda for Council on Friday, AUGUST 7, 2009. The previously existing exceptions to these bans shall remain in the code, but shall only become operative if the City prevails in the World Wide Rush appeal.

ITEM NO. (37) - ACTION TAKEN IN CLOSED SESSION

[09-0750](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to litigation filed by the City to secure judicial approval of the transfer of \$29.9 million from the Water Revenue Fund to the Reserve Fund for Fiscal Year 2006-07. (This matter involves a possible resolution in lieu of further litigation with regards to the above-referenced case.)

(Budget and Finance Committee waived consideration of the above matter)

ITEM NO. (38) - CONTINUED TO AUGUST 12, 2009

Roll Call #3 - Motion (Huizar - Koretz) Adopted To Continue, Unanimous Vote (10); Absent: Parks, Rosendahl, Smith and Zine (4)

[09-1483](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Kopatsis v. City of Los Angeles, Los Angeles Superior Court Case No. BC385798. (This case arises from earth movement in January of 2005, effecting property between Mulholland Drive and Coldwater Canyon.)

(Budget and Finance Committee considered the above matter in Closed Session on July 20, 2009.)

(Continued from Council meeting of July 29, 2009)

ITEM NO. (39) CONTINUED TO SEPTEMBER 2, 2009

Roll Call #4 - Motion (Hahn - Koretz) Adopted To Continue, Unanimous Vote (10); Absent: Parks, Rosendahl, Smith and Zine (4)

[09-1482](#)

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 Bekeredjian v. City of Los Angeles, Los Angeles Superior Court Case No. BC343886. (This case arises from earth movement that occurred on February 27, 2005, in the vicinity of Laurel Canyon Boulevard. The earth movement effected private property and Laurel Canyon Boulevard.)

(Budget and Finance Committee considered the above matter in Closed Session on July 20, 2009.)

ITEM NO. (40) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #16 - Motion (Reyes - Koretz) Adopted, Ayes (10); Absent: Rosendahl, Smith, Zine and President Garcetti (4)

[09-1912](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to pending litigation in the case entitled Community Redevelopment Association, LLC v. City of Los Angeles, United States District Court Case No. CV 08-07584.

(Planning and Land Use Management Committee waived consideration of the above matter)

ADOPTED

MOTION (REYES - WESSON - KORETZ)

Recommendation for Council action:

DIRECT the City Clerk to place an ordinance amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of the Los Angeles Municipal Code to completely ban off-site, supergraphic, digital displays and off-site freeway facing signs on a special meeting agenda for Council on Friday, AUGUST 7, 2009. The previously existing exceptions to these bans shall remain in the code, but shall only become operative if the City prevails in the World Wide Rush appeal.

Item Noticed for Public Hearing - Item 42

ITEM NO. (42) - AMENDING MOTION ADOPTED - ORDINANCE OVER TO AUGUST 12, 2009 - SEE FOLLOWING

Roll Call #9 - Motion (Parks - Reyes) Adopted, Ayes (10); Absent: Rosendahl, Smith and Zine (3)

[09-0600-S50](#)

CONTINUED CONSIDERATION OF GENERAL EXEMPTION, COMMUNICATION FROM THE CITY ATTORNEY, ORDINANCE FIRST CONSIDERATION, AMENDING MOTION (REYES - PARKS) and SUBSTITUTE ORDINANCE relative to amending Sections 12.26, 19.01, 19.02, 19.03, 19.05, 19.06, 19.10 and adding Sections 19.16 and 19.17 to the Los Angeles Municipal Code (LAMC) relating to application fees for planning approvals.

RECEIVE AND FILE ORIGINAL ORDINANCE

A. COMMUNICATION FROM THE CITY ATTORNEY

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

1. FIND that this action is Generally Exempt from the California Environmental Quality Act (CEQA), pursuant to Article II, Section 2(m) of the City's CEQA Guidelines, because it can be seen with reasonable certainty that adoption of the ordinance will not cause a physical change that would constitute a significant effect on the environment.

2. PRESENT and ADOPT the accompanying ORDINANCE relative to amending Sections 12.26, 19.01, 19.02, 19.03, 19.05, 19.06, 19.10 and adding Sections 19.16 and 19.17 to the LAMC relating to application fees for planning approvals.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ADOPTED

B. AMENDING MOTION and SUBSTITUTE ORDINANCE

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

1. PRESENT and ADOPT the accompanying ORDINANCE in lieu of any other ordinance, to revise various planning fees after receiving input from the City Council, Neighborhood Councils, development community, and other stakeholders.
2. REQUEST the City Attorney to prepare and present three additional ordinances, as follows:
 - a. An ordinance to establish a Planning Case Processing Special Revenue Fund for deposit of all planning and land use revenues to be used exclusively for expenses related to case processing.
 - b. An ordinance to establish a three percent General Plan Maintenance Surcharge to all planning application and all building permit fees to finance the Department of City Planning's New Community Plan (NCP) Work Program.
 - c. An ordinance to establish a Planning Long-Range Planning Special Revenue Fund for deposit of all General Plan Maintenance Surcharge Revenues to be used exclusively for expenses related to the NCP Work Program.

Item for Which Public Hearing Has Been Held - Item 43

ITEM NO. (43) - ADOPTED

Roll Call #19 - Motion (Hahn - Huizar) Adopted, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

[09-0600-S135](#)

CONTINUED CONSIDERATION OF PERSONNEL COMMITTEE REPORT relative to funding and position authorities for the One Stop Special Events Permit Procedure and Fee Subsidy Program.

Recommendations for Council action, pursuant to Motion (Parks - Huizar), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. TRANSFER the following five position authorities from the Unappropriated Balance, New positions line item, to the Department of Public Works, Bureau of Street Services:

<u>No.</u>	<u>Code</u>	<u>Title</u>
1	1358	Clerk Typist
1	1368	Sr. Clerk Typist
1	1431-5	Programmer Analyst V
1	4283	Street Services Investigator
1	4285-3	Sr. Street Services Investigator III

2. APPROPRIATE \$325,421 from the Unappropriated Balance to Fund 100/86, Street Services, Account 1010, Salaries General.
3. AUTHORIZE the Chief Legislative Analyst (CLA) or designee to make technical corrections or modifications as necessary to implement the intent of this action.

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

Community Impact Statement: None submitted.

(Budget and Finance Committee waived consideration of the above matter)

Items for Which Public Hearings Have Not Been Held - Items 44-45

(10 Votes Required for Consideration)

ITEM NO. (44) - ADOPTED - FORTHWITH

Roll Call #17 - Motion (Reyes - Parks) Adopted, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

RECEIVE AND FILE

[09-0969](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM VICE-CHAIR and MEMBER, BUDGET AND FINANCE COMMITTEE and CHAIR, PLANNING AND LAND USE MANAGEMENT COMMITTEE relative to the Department of City Planning's comprehensive fee study results and recommendations.

SUBMITS WITHOUT RECOMMENDATION the following recommendations of the Department of City Planning relative to the Department's comprehensive fee study:

1. APPROVE amending the Los Angeles Municipal Code (LAMC) Sections 19.01 through 19.12 to revise fees to more accurately represent the cost of providing planning and land use services and achieve full cost recovery, as outlined in the attached fee schedule (Attachment A).
2. ESTABLISH a Department of City Planning Enterprise Fund by amending Sections 5.400, 5.484, and 19.13 of the LAMC.

Fiscal Impact Statement: The Department of City Planning reports that the recommended changes to the DCP fee schedule have the potential to increase City revenues by \$7 to \$8 million annually. The Department's case processing functions will become fully cost recoverable and reduce the burden to the General Fund by this same amount.

Community Impact Statement: None submitted.

ADOPTED

MOTION (REYES - PARKS)

Recommendation for Council action:

1. **APPROVE** amending the Los Angeles Municipal Code (LAMC) Sections 19.01 through 19.12 to revise fees to more accurately represent the cost of providing planning and land use services and achieve full cost recovery, as outlined in the attached fee schedule (Attachment A).
2. **ESTABLISH** a Department of City Planning Enterprise Fund by amending Sections 5.400, 5.484, and 19.13 of the LAMC.

Fiscal Impact Statement: The Department of City Planning (DCP) reports that the recommended changes to the DCP fee schedule have the potential to increase City revenues by \$7 to \$8 million annually. The Department's case processing functions will become fully cost recoverable and reduce the burden to the General Fund by this same amount.

Community Impact Statement: None submitted.

ITEM NO. (45) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION - SEE FOLLOWING

Roll Call #15 - Motion (Parks - Reyes) Substitute Motion Adopted, Ayes (10); Absent: Perry, Rosendahl, Smith and Zine (4)

RECEIVED AND FILED

[07-3528-S1](#)

CD 8

CONTINUED CONSIDERATION OF MOTION (PARKS - PERRY) relative to declaring PakDay Community Cultural Festival on August 8, 2009 a Special Event (fees and costs absorbed by the City = \$6,195)

Recommendation for Council Action:

DECLARE PakDay Community Cultural Festival on August 8, 2009 as a "Special Event"; APPROVE any temporary street closures as requested; and, INSTRUCT the involved City departments to perform such services as detailed in the Council motion, including the waiver of fees, costs and requirements and other related issues, as specified.

ADOPTED

SUBSTITUTE MOTION (PARKS - PERRY)

Recommendation for Council action:

DECLARE PakDay Community Cultural Festival in Exposition Park on August 8, 2009 as a "Special Event"; APPROVE any temporary street closures as requested; and, INSTRUCT the involved City departments to perform such services as detailed in the Council motion, including the waiver of fees, costs and requirements and other related issues, as specified.

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

[08-0776-S4](#)

CD 1

- a. MOTION (REYES - PERRY) relative to declaring the Sidewalk Sale in Lincoln Heights on August 28-30, 2009 a Special Event (fees and costs absorbed by the City = \$4,500).

[07-2470-S1](#)

CD 7

- b. MOTION (ALARCON - KORETZ) relative to declaring the Lakeview Terrace Eagles Neighborhood Watch Block Party on August 22, 2009 a Special Event (fees and costs absorbed by the City = \$2,200).

[07-2299-S1](#)

CD 7

- c. MOTION (ALARCON - KORETZ) relative to declaring the FERP Neighborhood Watch Block Party and Carnival on August 29, 2009 a Special Event (fees and costs absorbed by the City = \$2,200).

[08-1838-S1](#)

CD 11

MOTION (KORETZ for ROSENDAHL - PERRY) relative to amending Council action of July 22, 2009, Special Event declaration for the general public gathering at Venice Beach, Dockweiler Beach, Playa del Rey Beach and Del Rey Lagoon.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[09-1668](#) - Dennis W. Weber

(Garcetti)

Detective Jonathan Vannerson

(Garcetti)

Captain III Joseph Curreri

(Garcetti)

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

[09-1667](#) - Corazon "Cory" Aquino

(Parks - All)

Sylvia Felber

(Koretz - All)

Ayes: Alarcón, Cárdenas, Hahn, Huizar, Koretz, LaBonge, Parks, Reyes, Wesson and President Garcetti (10); Absent: Perry, Rosendahl, Smith and Zine (4); Vacant: Council District Two

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL