

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **August 12, 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)

**\*\* ALL ITEMS FORTHWITH\*\***

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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
AUGUST 7, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 51

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

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

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**Items Noticed for Public Hearing - Items 1-16**

**ITEM NO. (1) - ADOPTED - ORDINANCE OVER TO SEPTEMBER 1, 2009**

**Roll Call #14 - Motion (Wesson - Perry) Adopted, Ordinance Over One Week, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-0644](#)

CONTINUED CONSIDERATION OF 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.

(Continued from Council meeting of August 5, 2009)

**Roll Call #1 - Motion (Koretz - LaBonge) Adopted to Continue, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 2-4)**

**ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 2, 2009**

[08-2811](#)  
CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Tujunga Canyon Boulevard and Haines Canyon Avenue (Reballot) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Tujunga Canyon Boulevard and Haines Canyon Avenue (Reballot) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 10, 2009 - Continue hearing and present Ordinance on SEPTEMBER 2, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 2, 2009**

[09-1055](#)  
CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Sunset Boulevard and Los Lions Drive Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Sunset Boulevard and Los Liones Drive Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 10, 2009 - Continue hearing and present Ordinance on SEPTEMBER 2, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (4) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON SEPTEMBER 2, 2009**

[09-1070](#)

CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Victory and Lankershim Boulevards Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Victory and Lankershim Boulevards Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 10, 2009 - Continue hearing and present Ordinance on SEPTEMBER 2, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (5) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

**Roll Call #2 - Motion (Parks - Perry) Adopted to Receive and File, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1160](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of cleaning of the lot and graffiti abatement at 1472 West 48th Street.

(Lien: \$556.00)

**Roll Call #3 - Motion (Parks - Cárdenas) Adopted to Confirm Lien, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 6-7)**

**ITEM NO. (6) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED**

[09-1161](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, and cleaning and fencing of the lot at 617 West 104th Place.

(Lien: \$2,455.69)

**ITEM NO. (7) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED**

[09-1162](#)

CD 6

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot at 15559 West Covello Street. (Lien: \$11,006.44)

**Roll Call #2 - Motion (Parks - Perry) Adopted to Receive and File, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 8-9)**

**ITEM NO. (8) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1169](#)

CD 9

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of cleaning of the lot at 318 East 75th Street (Lien: \$300.00)

**ITEM NO. (9) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1170](#)

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 cleaning and fencing of the lot at 132 East 82nd Street, Front House. (Lien: \$6,613.10)

**ITEM NO. (10) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED**

**Roll Call #3 - Motion (Parks - Cardenas) Adopted to Confirm Lien, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1171](#)

CD 1

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 and graffiti abatement at 2000 West Third Street. (Lien: \$15,488.76)

**Roll Call #4 - Motion (Wesson - Alarcón) Adopted to Receive and File, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4) (Item Nos. 11-12)**

**ITEM NO. (11) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1357](#)

CD 10

HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 2608 South La Cienega Boulevard. (Lien: \$954.73)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 2608 South La Cienega Boulevard, to recover the cost of delinquent annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Section 98.0402(e), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$954.73 on the above referenced property.

**ITEM NO. (12) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1358](#)

CD 9

HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 5801 South Central Avenue. (Lien: \$2,326.46)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 5801 South Central Avenue, to recover the cost of delinquent annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Section 98.0402(e), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$2,326.46 on the above referenced property.

**ITEM NO. (13) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED**

**Roll Call #3 - Motion (Parks - Cárdenas) Adopted to Confirm Lien, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1359](#)

CD 2

HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 14310 West Oxnard Street. (Lien: \$1,398.39)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 14310 West Oxnard Street, to recover the cost of delinquent annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Section 98.0402(e), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$1,398.39 on the above referenced property.

**Roll Call #4 - Motion (Wesson - Alarcón) Adopted to Receive and File, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 14-15)**

**ITEM NO. (14) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1360](#)

CD 7

HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 9025 North Sepulveda Boulevard. (Lien: \$940.05)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 9025 North Sepulveda Boulevard, to recover the cost of delinquent annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Section 98.0402(e), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$940.05 on the above referenced property.

**ITEM NO. (15) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID**

[09-1361](#)

CD 9

HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 405 East Florence Avenue aka 405-07 East Florence Avenue.

(Lien: \$1,398.39)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 405 East Florence Avenue aka 405-407 East Florence Avenue, to recover the cost of delinquent annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Section 98.0402(e), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$1,398.39 on the above referenced property.

**ITEM NO. (16) - MOTION ADOPTED TO GRANT APPLICATION**

**Roll Call #5 - Motion (Garcetti - Perry) Adopted to Grant Application, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1655](#)

CD 12

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption at CVS Pharmacy.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at CVS Pharmacy located at 20839 Roscoe Boulevard, Winnetka, 91304, 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 at 20839 Roscoe Boulevard.
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: Roger Barbosa, Milestone Management

TIME LIMIT FILE - AUGUST 17, 2009

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

## Items for Which Public Hearings Have Been Held - Items 17-42

Roll Call #7 - Motion (Parks - Huizar) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 17-28)

### ITEM NO. (17) - REPORT ADOPTED - ORDINANCE OVER TO SEPTEMBER 1, 2009

[09-1833](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to approval of Power Sales Agreement No. BP 09-14 with the Southern California Public Power Authority (SCPPA), Agency Agreement No. BP 09-15 and Power Layoff Agreement No. BP 09-16 for the Linden Wind Energy Project located in Klickitat County, Washington.

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

1. CONCUR with the Board of Water and Power Commissioners' action of July 16, 2009, Resolution No. 010-045, authorizing the execution of:
  - a. The Linden Wind Energy Project Power Sales Agreement No. BP 09-14.
  - b. The Linden Wind Energy Project Agency Agreement No. BP 09-15 with the SCPPA.
  - c. The Contract for Sale and Purchase of Linden Wind Energy, Agreement No. BP 09-16 with the City of Glendale.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the Linden Wind Energy Project Power Sales Agreement BP No. 09-14; Linden Wind Energy Project Agency Agreement No. BP 09-15, between the City of Los Angeles, acting by and through the Los Angeles Department of Water and Power (LADWP) and SCPPA; and the Contract for Sale and Purchase of Linden Wind Energy Agreement No. BP 09-16, between the City, acting by and through the LADWP and the City of Glendale.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed Agreements will have no direct impact on the City General Fund. The Power Revenue Fund will provide a maximum of \$139,950,000 and a debt service of \$10,106,955 total over the 20-year bond payoff period. Funding is available in the Power Revenue Fund's Fuel and Purchased Power Budget.

Community Impact Statement: None Submitted.

### ITEM NO. (18) - REPORT ADOPTED - ORDINANCE OVER TO SEPTEMBER 1, 2009

[09-1834](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to approval of Power Sales Agreement No. BP 09-17 with the Southern California Public Power Authority (SCPPA), Agency Agreement No. BP 09-18 and Power Layoff Agreement No. BP 09-19 for the Windy Point Wind Project located in Klickitat County, Washington.



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

1. CONCUR with the Board of Water and Power Commissioners' action of June 30, 2009, Resolution No. 010-046, authorizing the execution of:
  - a. The Windy Point/Windy Flats Project Power Sales Agreement No. BP 09-17.
  - b. The Windy Point/ Windy Flats Project Agency Agreement No. BP 09-18 with the SCPPA.
  - c. The Contract for Sale and Purchase of Windy Point/Windy Flats Energy, Agreement No. BP 09-19 with the City of Glendale.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the Windy Point/Windy Flats Project Power Sales Agreement No. BP 09-17; the Windy Point/Windy Flats Project Agency Agreement No. BP 09-18 between the SCPPA and the City of Los Angeles, acting by and through the Los Angeles Department of Water and Power (LADWP); and the Contract for Sale and Purchase of Windy Point/Windy Flats Energy, by and among the City of Glendale, the City of Los Angeles, acting by and through, the LADWP and the SCPPA, No. BP 09-19.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed Agreements will have no direct impact on the General Fund. The Power Revenue Fund will provide a maximum of \$73.5 million per year for 20 years, or \$1,469 million total over the life of the Agreement. Funding is available in the Power Revenue Fund's Fuel and Purchased Power Budget.

Community Impact Statement: None Submitted.

**ITEM NO. (19) - ADOPTED**

[07-2455](#)

ORDINANCE SECOND CONSIDERATION amending Ordinance No. 180807 setting the tax rate for the Special Police Communications/911 System for the Fiscal Year 2009-10.

[Motion (Parks - Huizar) adopted on August 5, 2009]

**ITEM NO. (20) - ADOPTED**

[09-0600-S50](#)

ORDINANCE SECOND CONSIDERATION 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 relating to application fees for planning approvals.

[Motion (Reyes - Parks) adopted on August 5, 2009]

**ITEM NO. (21) -ADOPTED**

[09-1780](#)

ORDINANCE SECOND CONSIDERATION 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.

(Personnel Committee Report adopted on August 5, 2009)

**ITEM NO. (22) -ADOPTED**

[08-3420](#)

ORDINANCE SECOND CONSIDERATION 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.

(Public Works Committee Report adopted on August 5, 2009)

**ITEM NO. (23) - ADOPTED**

[07-2041](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the case entitled Michael Hunt, Matthew Dowd v. City of Los Angeles.

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

1. AUTHORIZE the City Attorney to deposit a total of \$270,000 with the United States District Court in the case entitled Michael Hunt, Matthew Dowd v. City of Los Angeles, United States District Court Case No. CV06-04691 DDP (SSx), from Liability Claims Account No. 9770, Fund 100/59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the United States District Court.

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.

[Council may recess to Closed Session, pursuant to Government Code Sections 54956.9(a) and/or (b) to allow the Committee to confer with its legal counsel on the above matter.]

**ITEM NO. (24) - ADOPTED**

[09-1698](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to a refund claim filed by Fentress Architects Ltd., for overpayment of business tax.

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

APPROVE the refund claim filed by Fentress Architects Ltd., in the amount of \$71,548.24, plus daily interest of \$11.76, to be paid from the date the claim was filed until the claim is paid.

Fiscal Impact Statement: None submitted by the Office of Finance. 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. (25) - ADOPTED**

[09-1724](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to an amendment to extend the fraud reporting and management system contract with Network, Inc.

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

APPROVE the amendment to the contract with Network, Inc., to extend the fraud reporting and management system contract by one year to August 30, 2010 at a cost of \$45,500, and AUTHORIZE the Controller to execute the amendment.

Fiscal Impact Statement: The Controller reports that the annual cost of the contract will be \$45,500 and will be paid out of the Controller's contractual services funds budgeted for Fiscal Year 2009-10.

Community Impact Statement: None submitted.

#### **ITEM NO. (26) - ADOPTED - SEE FOLLOWING**

[09-1962](#)

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to selection of the City's General Financial Advisors.

(Budget and Finance 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**

**COMMUNICATION FROM CHAIR and MEMBER, BUDGET AND FINANCE COMMITTEE relative to selection of the City's General Financial Advisors.**

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

1. **APPROVE and AUTHORIZE the City Administrative Officer (CAO) to negotiate and execute a contract between the City and Public Resources Advisory Group; KNN Public Finance; Scott Balice Strategies; and, Gardner, Underwood and Bacon LLC for a period of three years with the option of two one-year extensions, for a maximum of \$165,000 per year for general financial advisory services in the Capital Finance Administration Fund plus \$100,000 in the Special Funds Bond Programs, in addition to a not-to-exceed amount of \$70,000 per bond transaction, contingent upon a successful closing, for the General Obligation Bond Program, subject to the approval of the City Attorney as to form.**
2. **INSTRUCT the CAO to report to the Budget and Finance Committee should more funding be necessary due to the addition of the firms of Scott Balice Strategies and Gardner, Underwood and Bacon LLC to the list of General Financial Advisors.**

**Fiscal Impact Statement:** The CAO reports that the cost of the General Financial Advisors contract is not-to-exceed \$165,000 per year. The cost for the first year of the General Financial Advisors contract will be paid from Fiscal Year 2009-10 budgeted funds from the City's Capital Finance Administration Fund. General financial advisory services for Special Funds Bond Programs will not exceed \$100,000 per year. In subsequent years, through the budget process, funds from the City's Capital Finance Administration Fund will be budgeted for general financial advisory services as well as Special Funds. The cost for financial advisory services for the General Obligation Bond Program is not-to-exceed \$70,000 per bond transaction and will be paid from bond proceeds, contingent upon a successful closing.

**Community Impact Statement:** None submitted.

## **ITEM NO. (27) - ADOPTED**

[09-0579](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the amendment of Los Angeles Municipal Code (LAMC) Sections 64.00 and 64.30 of the Industrial Waste Control Ordinance to comply with updated federal requirements.

Recommendations for Council action:

1. APPROVE modifications to LAMC Sections 64.00 and 64.30 to comply with changes in the Federal General Pretreatment Streamlining Rule for wastewater discharge (40 CFR Part 403).
2. REQUEST the City Attorney to prepare and present the required ordinance amendments for final Mayor and Council approval.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the General Fund. Approval of the proposed amendment would bring the City into compliance with changes in federal industrial wastewater pretreatment regulations. The recommendations comply with City Financial Policies in that costs associated with industrial waste discharge are entirely fee supported under the Sewer Construction and Maintenance Fund (SCM). Revenues to the SCM from the Bureau of Sanitation's Groundwater Discharge Program range from \$300,000 to \$500,000 annually and support the City's wastewater programs.

Community Impact Statement: None submitted.

## **ITEM NO. (28) - ADOPTED**

[09-0924](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the submission of a grant application to the California Integrated Waste Management Board (CIWMB) for Fiscal Year 2009-10 for equipment, technical assistance or training related to Local Enforcement Agency (LEA) programs.

Recommendation for Council action:

AUTHORIZE the Environmental Affairs Department (EAD) General Manager, or designee, to apply for the CIWMB EA 20 Grant Cycle, which extends from July 1, 2009 to June 30, 2010, for equipment, technical assistance or training related to LEA programs.

Fiscal Impact Statement: The EAD reports that the available funding under this grant cycle is \$54,514 and that acceptance of these grant funds does not require matching funds or any other obligations by the City except to return unspent funds in a timely manner.

Community Impact Statement: None submitted.

## **ITEM NO. (29) - ADOPTED AS AMENDED - SEE FOLLOWING**

**Roll Call #15 - Motion (Wesson - Koretz) to Adopt as Amended, Ayes (10); Absent: Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-2855](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to various actions for Round Two of the 2009 Affordable Housing Trust Fund (AHTF) Notice of Funding Availability (NOFA) and the 2009 Permanent Supportive Housing Program (PSHP) NOFA.

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

1. APPROVE the recommendations contained within the accompanying City Administrative Officer (CAO) report dated August 4, 2009 (attached to the Committee report).
2. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to:

- a. Execute an amendment to the Loan Agreement for the Central City Apartments Project (Contract C-98427) by increasing the loan amount by \$508,106 in Central City West Fund, \$150,536 in Pico Union Community Redevelopment Agency (CRA) Five Percent Tax Increment Funds, and \$99,464 from Pico Union II CRA Five Percent Tax Increment Funds allocated to the AHTF, for a total increase of \$758,106, subject to the review of the City Attorney as to form and legality.
- b. 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 CAO, and authorize the Controller to implement these instructions.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund. Approval of the recommendations will result in the issuance of Letters of Commitment (LOC) as part of the 2009 AHTF NOFA Round Two totaling approximately \$26.8 million consisting of previously approved HOME Investment Partnership Program (HOME) funds (\$21.4 million) and CRA Five Percent Set-Aside Funds (\$5.4 million). The recommendations will also result in the issuance of LOCs as part of the 2009 PSHP NOFA in the amount of \$9.9 million consisting of previously approved HOME funds (\$7.5 million), McKinney Bond funds (\$0.58 million), and Housing Opportunities to Persons with AIDS (HOPWA) funds (\$1.86 million). Additional recommendations will authorize the LAHD to execute amendments to loan agreements to recognize \$606,300 in Department of Water and Power (DWP) funds issued through the Sustainable Design and Economic Development Guidelines Program and \$6,300 issued through the Smoke-Free Incentive Funds Program. The recommendations comply with City Financial Policies as dedicated special funding sources will fully fund commitments to projects.

Community Impact Statement: None submitted.

**ADOPTED**

**MOTION (WESSON - KORETZ)**

**Recommendation for Council action:**

**AMEND the Housing, Community and Economic Development Committee report to:**

**include the following additional recommendations:**

- “3. INSTRUCT the Community Redevelopment Agency (CRA/LA) to transfer 20 percent Set-Aside funds in the amount of \$1,600,000 previously committed to the Rosa Parks Villas (Contract C-112535) to the MacArthur Park Metro Apartments Phase A project.**
- 4. AUTHORIZE the General Manager, of the Los Angeles Housing Department (LAHD), or designee, to:**
  - a. Transfer \$1,600,000 in HOME funds (Fund 52 Account A211) previously committed to the MacArthur Park Metro Apartments Phase A project, to the Rosa Parks Villas.**
  - b. Execute an amendment to the Loan Agreement for the Rosa Parks Apartments Project increasing the loan amount by \$1,600,000 for a new total of \$6,605,267.**

- c. **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 and authorize the Controller to establish a separate account and appropriate the funds from the additional CRA/LA funds for the MacArthur Park Metro Apartments Phase A.”**

**ITEM NO. (30) - ADOPTED**

**Roll Call #7 - Motion (Parks - Huizar) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-3459](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to evaluating an amendment to the East Hollywood/Beverly Normandie Earthquake Disaster Assistance Project or establishing a new Redevelopment Project Area (RPA) to incorporate lands along and near the Los Angeles River, including authorization to enter into contracts not to exceed a total of \$1 million for consultant services relating to such evaluation.

Recommendations for Council action:

1. DIRECT the Community Redevelopment Agency (CRA) to initiate the planning and feasibility studies necessary to prepare a preliminary plan for an amendment to the East Hollywood/Beverly-Normandie Earthquake Disaster Assistance Project or define a new RPA to incorporate land along and near the Los Angeles River, within portions of Council Districts 1, 4, and 13, in an expedited and effective manner.
2. INTERPRET certain actions related to the overall process for preparing an amendment to the existing Earthquake Disaster Assistance Project, or for a new Northeast Los Angeles River Redevelopment Plan, as ministerial actions and not "actions of the CRA," subject to Section 8.99.04 of the City of Los Angeles Administrative Code (Oversight Ordinance).
3. ADOPT the accompanying RESOLUTION (attached to the Chief Legislative Analyst (CLA) report dated August 5, 2009) which will provide for processing the proposed amendment, or preliminary redevelopment and preliminary report for the proposed North East Los Angeles River Redevelopment Plan, to City Council in such a manner that the review of the draft documents by the City Council would be subject to the "10 day rule" under the Oversight Ordinance.
4. AUTHORIZE the Chief Executive Officer, CRA, or designee, to:
  - a. Proceed with an evaluation of an amendment to the East Hollywood/Beverly-Normandie Earthquake Disaster Assistance Project, or the establishment of a new RPA along and near the Los Angeles River, and all actions necessary to complete the plan.
  - b. Transmit to the City Planning Commission, the City Council, relevant departments of the State of California (State), affected taxing agencies, and other required parties as applicable, the following documents: a) Preliminary Plan; b) Preliminary and Final Reports to the City Council; c) State Reports; d) Proposed Redevelopment Plan amendment; and, e) any and all other required documents related to the amendment.

- c. Negotiate and execute contracts for consulting services not to exceed \$1,000,000 relating to the formulation of an amendment to the East Hollywood/Beverly-Normandie Earthquake Disaster Assistance Project or the establishment of a new RPA along and near the Los Angeles River.
5. APPROVE the amendment of the FY09 East Hollywood/Beverly-Normandie Budget to transfer \$1,000,000 in Tax Increment funds from the budgeted line item "Public Improvements" to "Development Opportunities," subject to availability of funds and determination that these funds are not required to meet the Supplemental Educational Revenue Augmentation Fund (SERAF) payment to the State.

Fiscal Impact Statement: The CLA reports that there is no impact to the General Fund as a result of these actions. The source of funds is Tax Increment from the East Hollywood/Beverly-Normandie Project Area.

Community Impact Statement: None submitted.

#### **ITEM NO. (31) - CONTINUED TO AUGUST 14, 2009**

**Roll Call #23 - Motion (Huizar - Wesson) Adopted to Continue, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1521](#)

CD 14

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to transferring \$50,000 of Assembly Bill (AB) 1290 funds to the Office of the City Clerk (City Clerk) to establish the Cesar E. Chavez Avenue Business Improvement District (BID).

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

1. AUTHORIZE the transfer of \$50,000 in Adelante Eastside Redevelopment Project Area (Project Area) AB 1290 funds to the City Clerk to update necessary documentation and perform outreach activities to establish the proposed Cesar E. Chavez Avenue BID.
2. APPROVE the transfer of AB 1290 funds in the amount of \$50,000 to the City Clerk, Administrative Services Division, into BID Trust Fund Account No. 659, Department No. 14, as payment for the Cesar E. Chavez Avenue BID formation services.

Fiscal Impact Statement: The Chief Legislative Analyst (CLA) reports that there is no impact to the General Fund.

Community Impact Statement: None submitted.



**Roll Call #7 - Motion (Parks - Huizar) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 32-39)**

**ITEM NO. (32) - ADOPTED**

[09-1663](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to executing a Third Amendment to the contract with Urban Futures, Inc (UFI), to provide occupancy monitoring services for affordable housing units.

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

1. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to:
  - a. Execute a Third Amendment to the contract with UFI (C-110867) to add nine months, beginning retroactively from July 1, 2009 through March 31, 2010, and increase compensation by \$300,000, for a total revised contract award of \$1,460,820, to provide occupancy monitoring services for affordable housing units, in conformance with the Agreement attached to the City Administrative Officer (CAO) report dated August 3, 2009, and subject to: the review of the City Attorney as to form and legality; and, the Department of Public Works, Bureau of Contract Administration, for compliance with the City's contracting requirements.
  - b. Prepare Controller instructions and make technical adjustments that may be required and are consistent with these actions, subject to approval of the CAO, and authorize the Controller to implement the instructions.
2. AUTHORIZE the Controller to expend funds upon proper written demand from the General Manager, LAHD, or designee, in the amount of \$300,000 from Fund 815, Municipal Housing Finance Fund, Account No. F243, Occupancy Monitoring.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. Approval of the recommendations will authorize the LAHD to execute a Third Amendment with UFI, to provide occupancy monitoring services for affordable housing units. The recommendations comply with City Financial Policies as the \$300,000 in additional funding proposed for the amendment will be funded from the Municipal Housing Finance Fund.

Community Impact Statement: None submitted.

**ITEM NO. (33) - ADOPTED**

[09-1666](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to amending the Rent Stabilization Ordinance (RSO) to maintain confidentiality of witnesses in nuisance evictions based on gang related crime, violent crime, or illegal drug activity.

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an Ordinance to:

- a. Amend Section 151.09 of the Los Angeles Municipal Code (LAMC) relating to eviction of tenants for illegal drug or gang activity [in substantial conformance with the draft ordinance attached the Los Angeles Housing Department (LAHD) report dated June 1, 2009.]
- b. Harmonize LAMC Sections 151.06.C and 151.09.C with the recent changes to LAMC Section 47.50 and 151.09.A.3 enacted pursuant to Ordinance No. 180449.

Fiscal Impact Statement: The LAHD reports that there is no impact on the General Fund.

Community Impact Statement: None submitted.

## **ITEM NO. (34) - ADOPTED**

[06-1854-S11](#)

CD 13

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the City's Echo Park Neighborhood Interim Control Ordinance (ICO) for property at 1843 Santa Ynez Street.

Recommendations for Council action:

1. GRANT the hardship exemption from the City's Echo Park Neighborhood ICO (Ordinance No. 178454) as noted and as described in the application attached to Council file No. 06-1854-S11 for the proposed rebuilding of a master bedroom 280 square feet high for property at 1843 Santa Ynez Street.
2. ADVISE the applicant that this hardship exemption, if granted by the City 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.

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. (35) - ADOPTED**

[07-1381](#)

CD 13

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Specific Plan Exception appeal for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue and 1615-1631 Vista Del Mar Avenue.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Central Area Planning Commission, as the Findings of the Council.

2. RESOLVE TO DENY APPEAL filed by Regency Outdoor Advertising/Brian Kennedy, (Manatt Phelps & Phillips, LLP/Ronald Turovsky, Representative), from the entire decision of the Central Area Planning Commission, and THEREBY APPROVE a Specific Plan Exception from 7.M2 of the Hollywood Signage Supplemental Use District to allow more than two supergraphic signs on one building that are not located on opposite walls of the building and may be viewed at the same time from the same location; and to allow other signage on a face that contains a supergraphic sign; and from Section 5F of the Hollywood Signage SUD to allow more sign area than the permitted combined sign area, for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-1631 Vista Del Mar Avenue, subject to Conditions of Approval.

(The Environmental Impact Report was certified by Council on July 31, 2007)

Applicant: Clarett Hollywood, LLC, Frank Stephan

Representative: Jeffer, Mangels, Butler & Marmaro, Sheri Bonstelle APCC 2008-3526  
SPE SPP

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 12, 2009

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

## ITEM NO. (36) - ADOPTED

[09-1532](#)  
CD 8

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the addition to include the Second Church of Christ Scientist Reading Room and Library located at 2634 South Hoover Street in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Planning and Land Use Management Committee, as the Findings of the Council.
2. DENY the application approved by the Cultural Heritage Commission (CHC) on May 21, 2009, relative to the inclusion of the Second Church of Christ Scientist Reading Room and Library located at 2634 South Hoover Street in the list of Historic-Cultural Monuments.

Applicant: West Adams Heritage Association

CHC 2009-738 HCM

Owner: Walter F. Conn/Nathan Ung; Waltco Las Vegas 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. (37) - ADOPTED**

[09-1672](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a proposed Ordinance to add regulations governing the Annual Inspection Monitoring (AIM) Program.

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an Ordinance amending Sections 12.26 F, 12.26 I, and 98.0402 of the Los Angeles Municipal Code to add regulations governing the AIM Program, in order to reduce public nuisances created by automotive repair garages, used vehicle sales areas, auto dismantling yards, junk yards, scrap metal or recycling materials sorting facilities and cargo container storage yards.

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. (38) - ADOPTED**

[09-1771](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Los Angeles Department of Building and Safety (LADBS) request for funding from the Construction Services Trust Fund for replacement of the Construction Service Center (CSC) server room air conditioning system.

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

APPROVE funding in the amount of \$132,091 from the Construction Services Trust Fund No. 438/50 for replacement of the LADBS CSC server room air conditioning system at Figueroa Plaza.

Fiscal Impact Statement: The City Administrative Officer reports that the source of funds is the Construction Services Trust Fund, which has sufficient funds to finance this eligible request. This expenditure complies with the City's Financial Policies in that collected surcharges on permits will be used to support this one-time expenditure associated with the CSC.

Community Impact Statement: None submitted.

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

**ITEM NO. (39) - ADOPTED**

[09-1845](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a proposed Ordinance to specify that live/work units are primarily residential space with accessory commercial uses.

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an Ordinance amending Sections 12.03, 12.21, and 91.8502.1 of the Los Angeles Municipal Code to specify that live/work units are primarily residential space with accessory commercial uses, and include the necessary amendments to make Building and Safety Codes and alternative building standards consistent for live/work units relative to lighting and ventilation.

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. (40) - ADOPTED AS AMENDED - SEE FOLLOWING**

**Roll Call #24 - Motion (Huizar - Koretz) to Adopt as Amended, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1893](#)

CD 14

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Parcel Map appeal for property located at 4487-4497 East Bend Drive.

Recommendations for Council action:

1. FIND that the May 27, 2009, East Los Angeles Area Planning Commission (ELAAPC) determination in not adopting Mitigated Negative Declaration ENV 2007-5859-MND, but approving Parcel Map No. 2007-5858-PMLA-PS-1A is inconsistent.
2. RESOLVE TO GRANT APPEAL filed by Nedra Jenkins and THEREBY OVERRULE the ELAAPC's May 27, 2009, action in: (a) finding that the Mitigated Negative Declaration (ENV 2007-5859-MND) is inadequate; and (b) disapproving Preliminary Parcel Map No. 2007-5858-PMLA-PS-1A for the construction, use and maintenance of a two-parcel single family development with a private street located at 4487-4497 East Bend Drive.

Applicant: Julian Sahagun, CJPV Investments, LLC, Larry Mar (Representative)

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

Community Impact Statement: None submitted.

(On July 28, 2009, the Council adopted Motion [Huizar - Hahn] asserting jurisdiction over the July 15, 2009, ELAAPC written determination, pursuant to Charter Section 245)

TIME LIMIT FILE - AUGUST 18, 2009

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

**ADOPTED**

**MOTION (HUIZAR - KORETZ)**

**Recommendations for Council action:**

1. **WAIVE the fees.**
2. **REQUEST the Planning Department to expedite the application, subject to all applicable notice requirements, if the applicant submits a new subdivision application.**

**ITEM NO. (41) - ADOPTED**

**Roll Call #7 - Motion (Parks - Huizar) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1520](#)

CATEGORICAL EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to Foreign-Trade Zone (FTZ) General Purpose Operating Agreement between the City and RPM Consolidated Service, Incorporated (RPM).

Recommendations for Council action:

1. FIND that the proposed Foreign-Trade Zone General Purpose Operating Agreement with RPM for the operation of a warehouse is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III, Class 1(14) of the City's CEQA Guidelines.
2. CONCUR with the action taken by the Board of Harbor Commissioners (Harbor) at its meeting held April 2, 2009 approving Foreign-Trade Zone General Purpose Operating Agreement No. 2745 with RPM for a term of five years with options for three five-year extensions for the operation of a warehouse in Long Beach, California.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approval of the proposed Agreement includes a one-time application/activation fee of \$5,000 and an annual administrative operating fee of \$5,000 per year for a total of \$30,000 for the first five-year term and up to \$25,000 for each of three five-year renewal options, for an additional \$75,000 and a total contractual amount of \$105,000 over 20 years. Funds will be deposited in the Harbor Revenue Fund.

Community Impact Statement: None Submitted.

TIME LIMIT FILE - AUGUST 21, 2009

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

**ITEM NO. (42) - REFERRED TO THE JOBS, BUSINESS GROWTH AND TAX REFORM COMMITTEE**

**Roll Call #6 - Motion (Alarcón - Koretz) Adopted to Refer, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1219](#)

BUDGET AND FINANCE COMMITTEE REPORT and COMMUNICATION FROM CHAIR and MEMBER, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT relative to development of a Banking Development District program to promote new bank branches in underserved communities in Los Angeles.

**A. COMMUNICATION FROM CHAIR and MEMBER, HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE**

Recommendations for Council action, as initiated by Motion (Alarcon - Huizar - Perry - Reyes - Parks):

1. INSTRUCT the Chief Legislative Analyst (CLA), with the assistance of the Department of Finance, the Community Redevelopment Agency (CRA), and other necessary Departments to prepare and submit a report within 30 days for consideration by the Housing, Community, and Economic Development and Planning and Land Use Management Committees on the steps necessary to adopt a Banking Development District Program in the City of Los Angeles, similar to the successful model used by the City and State of New York, to promote new bank branches in underserved communities in Los Angeles, including but not limited to:
  - a. A description of eligibility criteria for Banking Development Districts, including local socioeconomic data and indications that the bank product and service needs of a community are low or unmet.
  - b. Consideration of matching and overlapping Banking Development Districts with existing Empowerment and Enterprise Zones.

2. INCLUDE the following incentives for banks in the Banking Development District Program:
  - c. A guaranteed percentage of municipal deposits and discretionary Council District deposits.
  - d. Real property tax breaks that decrease over time.
  - e. Fast-track land use approval.
  - f. Incentives for contractors that seek City business to bank with Banking Development District branches, such as "points added" on bids or proposals submitted in response to City issued Requests for Proposals and Requests for Qualifications.

#### B. BUDGET AND FINANCE COMMITTEE REPORT

Recommendations for Council action, as initiated by Motion (Alarcón - Huizar - Perry - Reyes - Parks):

1. CONCUR with the recommendations of the Housing, Community and Economic Development Committee relative to development of a Banking Development District program to promote new bank branches in underserved communities in Los Angeles.
2. INSTRUCT the City Treasurer to assist the Chief Legislative Analyst (CLA) and the Community Redevelopment Agency (CRA) to analyze the feasibility of Banking Development Districts.

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

Community Impact Statement: None submitted.

### **Items for Which Public Hearings Have Not Been Held - Items 43-68**

(10 Votes Required for Consideration)

#### **ITEM NO. (43) - REFERRED TO THE PUBLIC WORKS COMMITTEE**

**Roll Call #16 - Motion (Hahn - LaBonge) Adopted to Refer, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-3167](#)

COMMUNICATION FROM VICE-CHAIR, PUBLIC WORKS COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to adding Subsection (a) to Section 62.118.2 of the Los Angeles Municipal Code (LAMC) requiring any restaurant wishing to engage in dining activities within the dedicated public right-of-way to obtain a revocable permit.

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



PRESENT and ADOPT the accompanying ORDINANCE adding Subsection (a) to Section 62.118.2 of the LAMC requiring any restaurant wishing to engage in dining activities within the dedicated public right-of-way to obtain a revocable permit from the Board of Public Works, as administered by the Bureau of Engineering, and to pay a fee in addition to the revocable permit fee to cover the inspection and administrative costs for ensuring compliance of the revocable permit conditions for sidewalk dining.

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. (44) - REPORT ADOPTED - ORDINANCE OVER TO SEPTEMBER 1, 2009**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1967](#)  
CD 3

COMMUNICATION FROM THE OFFICE OF THE CITY CLERK and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the renewal of the existing Historic Old Town Canoga Park Property and Business Improvement District.

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

1. FIND that the petitions submitted on behalf of the proponents of the proposed Historic Old Town Canoga Park Property and Business Improvement District are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
2. ADOPT the Preliminary Report of the City Clerk.
3. ADOPT the attached Management District Plan.
4. ADOPT the attached Engineer's Report.
5. FIND that all parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Management District Plan.
6. FIND that in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, the assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
7. FIND that in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, there are no general benefits to be separated from the special benefits conferred on each parcel within the proposed District.
8. FIND that in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

9. FIND that the services provided by the Owners' Association are in the nature of professional, expert, technical or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.
10. APPROVE the Canoga Park Improvement Association to serve as the Owners' Association to administer the Historic Old Town Canoga Park Property and Business Improvement District and authorize the City Clerk to execute a contract with the Canoga Park Improvement Association, if the District is renewed.
11. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to establish the Historic Old Town Canoga Park Property and Business Improvement District.
12. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
13. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance establishing the Historic Old Town Canoga Park Property and Business Improvement District for City Council's consideration at the conclusion of the required public hearing.
14. REQUEST the Controller to provide, if necessary, an advance to the Canoga Park Improvement Association an amount not to exceed one quarter (25 percent) of the BID'S 2010 anticipated assessment revenue, if the Ordinance establishing the BID is adopted and the funds are available.

Fiscal Impact Statement: The City Clerk reports that funding for assessments levied on the City-owned properties within the District were included in the General Fund allocation to the 2009-10 Business Improvement District Trust Fund 659. Assessments levied on the Community Redevelopment Agency properties within the District will not be paid from the General Fund.

Community Impact Statement: None submitted.

(Jobs, Business Growth, and Tax Reform Committee waived consideration of the above matter)

**ITEM NO. (45) - ADOPTED**

**Roll Call #17 - Motion (LaBonge - Parks) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 45a-45f)**

[09-0005-S479](#)

et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of August 5, 2009:

[09-0005-S479](#)

CD 8

- a. Property at 1334 West Rolland Curtis Place (Case No. 193577).  
Assessor I.D. No. 5036-014-030

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 23, 2008)

[09-0005-S480](#)

CD 10

- b. Property at 1450 South Burnside Avenue (Case No. 190039).  
Assessor I.D. No. 5069-033-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 31, 2008)

[09-0005-S481](#)

CD 14

- c. Property at 415 South Mathews Street (Case No. 140035).  
Assessor I.D. No. 5185-001-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 9, 2007)

[09-0005-S482](#)

CD 14

- d. Property at 415 South Mathews Street (Case No. 204734).  
Assessor I.D. No. 5185-001-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 19, 2009)

[09-0005-S483](#)

CD 5

- e. Property at 5246 North Hermitage Avenue (Case No. 196982).  
Assessor I.D. No. 2347-023-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 11, 2008)

[09-0005-S484](#)

CD 8

- f. Property at 7906 South Hoover Street (Case No. 218604).  
Assessor I.D. No. 6032-027-015

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 14, 2009)

**ITEM NO. (46) - ADOPTED**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-3244](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE relative to extending the 2008-09 Adult Day Program contracts through September 30, 2009.

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

1. APPROVE extensions to the 2008-09 Adult Day Program contracts through September 30, 2009 of the service providers identified in the attachment to the Committee report.
2. AUTHORIZE the General Manager of the Los Angeles Department of Aging (LADOA), or designee, to execute contract amendments to Fiscal Year (FY) 2008-09 Adult Day Program contracts of Adult Day Program service providers according to the allocations identified in the attachment to the Committee report, subject to the review and approval of the City Attorney as to form and legality.
3. AUTHORIZE the General Manager, LADOA, or designee, to prepare Controller instructions for any technical adjustments, subject to the approval of the City Administrative Officer and AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The LADOA reports that \$690,586 of FY 2009-2010 General City Funds is allocated for the Adult Day Programs. \$169,636 of the total amount of City General Funds allocated for the Adult Day Program for FY 2009-2010 will be expended for the Adult Day Program 2008-2009 contract extensions from July 1, 2009 through September 30, 2009.

Community Impact Statement: None submitted.

**ITEM NO. (47) - ADOPTED**

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

[09-1749](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE relative to a proposed contract amendment with The Portico Group for architectural and engineering design services for the Los Angeles Zoo Pachyderm Forest Exhibit.

Recommendation for Council action:

APPROVE and AUTHORIZE the President of the Board of Public Works to execute Amendment No. 5 between the City and The Portico Group to add \$97,414 to the contract funding for a total contract amount of \$4,329,414, and to extend the contract term by fourteen months from December 15, 2009 through February 15, 2011, subject to the approval of the City Attorney.

Fiscal Impact Statement: The City Administrative Officer reports that the additional funding of \$97,414 recommended above is being paid by Proposition CC funds and will not impact the General Fund. Funding for this amendment is within the project's budget and will not require an increase to the project budget. There are no further impacts on the City General Fund as a result of the execution of Amendment No. 5 to the contract between the City and The Portico Group for the Pachyderm Forest Exhibit.

Community Impact Statement: None submitted.

**Roll Call #18 - Motion (LaBonge - Hahn) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 48-49)**

**ITEM NO. (48) - ADOPTED**

[09-1821](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE relative to accepting grant funds from the State of California, Department of Aging and executing Senior Services contracts for Fiscal Year (FY) 2009-10.

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

1. AUTHORIZE the General Manager, Department of Aging (LADOA), or designee, to:
  - a. Approve the FY 2009-10 State of California, Department of Aging, Standard Agreement No. AP-0910-25; Attachment 1 of the LADOA report dated July 20, 2009 contained in the Council file.
  - b. Approve the FY 2009-10 California State Department of Aging Standard Agreement No. HI-0910-25; Attachment 2.
  - c. Approve the 2009-12 Area Plan, including the 2009-10 Area Plan Budget; Attachments 3 and 4.
  - d. Approve the 2009-10 Health Insurance Counseling and Advocacy Program (HICAP) Budget; Attachment 5.
  - e. Negotiate and execute FY 2009-10 Senior Service contracts for the delivery of Older Americans Act (OAA), Older Californians Act (OCA), Prop A Transportation, and Nutrition Stimulus Funds (previously approved under Council file no. 09-0648-S8) services as shown in Attachments 7 through 11, subject to the review and approval of the City Attorney as to form and legality.
2. AUTHORIZE the Controller to disburse funds to the recommended service providers upon submission of proper demand from the General Manager, LADOA.
3. AUTHORIZE the Controller to:
  - a. Establish new accounts and appropriate funds within the Area Plan for the Aging Title III Fund Number 395, as follows:

| <u>Account</u> | <u>Title</u>                         | <u>Amount</u>  |
|----------------|--------------------------------------|----------------|
| F102           | Aging                                | \$237,136      |
| F201           | Social Services III B FY 09-10       | 2,900,217      |
| F300           | Congregate Meals III C1 FY 09-10     | 3,939,280      |
| F400           | Home Delivered Meals III C2 FY 09-10 | 2,666,152      |
| F500           | Preventive Health III D FY 09-10     | 171,820        |
| F501           | Mediation Management III D FY 09-10  | 63,723         |
| F700           | NSIP Congregates Meals III C1        | 550,948        |
| F800           | NSIP Home Delivered Meals III C2     | 521,170        |
| F900           | Family Caregiver Support Prog. III E | <u>753,640</u> |
| Total          |                                      | \$11,804,086   |

- b. Establish new accounts and appropriate funds within the Title VII Older Americans Act Fund Number 564 as follows:

| <u>Account</u> | <u>Title</u>                    | <u>Amount</u> |
|----------------|---------------------------------|---------------|
| F201           | Ombudsman Program FY 09-10      | \$81,864      |
| F300           | Elder Abuse Prevention FY 09-10 | <u>57,018</u> |
| Total          |                                 | \$138,882     |

- c. Establish new accounts and appropriate funds within the Community Based Services Program - AB2800 Fund Number 40F as follows:

| <u>Account</u> | <u>Title</u>         | <u>Amount</u>  |
|----------------|----------------------|----------------|
| F102           | Aging                | \$(8,949)      |
| F201           | Alzheimer's Day Care | 147,732        |
| F600           | Linkages             | <u>284,574</u> |
| Total          |                      | \$423,357      |

- d. Transfer \$3,599,500 from the Proposition A Local Transit Fund Number 385 (Account No. and Account Title to be established by the Department of Transportation) on an as needed basis to the Senior City Ride Program Fund Number 599, Account No. F201, Title Cityride Program FY 2009-10.

- e. Establish a new account and appropriate funds within the Ombudsman Initiative Program Fund Number 46V, Account No. F201, Title Ombudsman Initiative Program, Amount \$166,312.

- f. Decrease the Salaries - General Account 1010 appropriation within Fund Number 100/02 by \$8,949.

- g. Establish new accounts and appropriate funds within the HICAP Fund Number 47Y as follows:

| <u>Account</u> | <u>Title</u> | <u>Amount</u>  |
|----------------|--------------|----------------|
| F102           | Aging        | \$41,610       |
| F201           | HICAP        | <u>570,123</u> |
| Total          |              | \$611,733      |

- h. Increase the appropriation within Fund Number 100 Department 02 and transfer funds on an as needed basis as follows:

|       | <u>Fund</u> | <u>Account</u> | <u>Title</u>           | <u>Amount</u> |
|-------|-------------|----------------|------------------------|---------------|
| From: | 395         | F102           | Aging                  | \$237,136     |
|       | 47Y         | F102           | Aging                  | <u>41,610</u> |
|       |             |                | Total                  | \$278,746     |
| To:   | 100/02      | 1010           | Salaries - General     | \$211,927     |
|       | 100/02      | 2120           | Printing & Binding     | 10,000        |
|       | 100/02      | 3040           | Contractual Services   | 35,349        |
|       | 100/02      | 6010           | Office & Admin Expense | <u>21,470</u> |
|       |             |                | Total                  | \$278,746     |

4. AUTHORIZE the General Manager to prepare Controller's instructions and any necessary technical adjustments that are consistent with the Mayor and Council actions, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement those instructions.

Fiscal Impact Statement: The LADOA reports that the above proposed actions authorize the LADOA to receive OAA Title III/VII Funds and OCA Funds of \$13,635,081, Nutritional Service Incentive Program (NSIP) Funds of \$1,072,118, and HICAP funds of \$611,733, for a grand total of \$15,318,932. Additionally, the LADOA's proposed actions provide the authority to execute senior service contracts totaling \$19,026,105 which consists of these grant funds, amounts adopted in the City budget, and a previously approved \$723,480 of Nutrition Stimulus Funds.

Community Impact Statement: None submitted.

**ITEM NO. (49) - ADOPTED**

[09-1876](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE relative to grant funds from the Medicare Improvements for Patients and Providers Act (MIPPA) for beneficiary outreach and assistance.

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

1. AUTHORIZE the General Manager, Department of Aging (LADOA), or designee, to:
  - a. Submit an application to the California Department of Aging for the receipt of \$98,379 for the purpose of expanding outreach to low-income Medicare beneficiaries.
  - b. Negotiate and execute a contract with the California Department of Aging in the amount of \$98,379 for the purpose of expanding outreach efforts to Medicare beneficiaries.
  - c. Negotiate and execute a contract with the Center for Health Care Rights in the amount of \$22,656 for the purpose of expanding outreach efforts to Medicare beneficiaries.

2. AUTHORIZE the Controller to:

- a. Establish new accounts and appropriate funds within the Health Insurance Counseling and Advocacy Program (HICAP) Fund Number 47Y as follows:

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|--------------|---------------|
| F102           | Aging        | \$40,764      |
| F300           | MIPPA        | <u>22,656</u> |
|                | Total        | \$63,420      |

- b. Increase the appropriations within Fund Number 100 Department 02 and transfer funds on an as needed basis as follows:

|       | <u>Fund</u> | <u>Account</u> | <u>Title</u>           | <u>Amount</u> |
|-------|-------------|----------------|------------------------|---------------|
| From: | 47Y         | F102           | Aging                  | \$40,764      |
| To:   | 100/02      | 1010           | Salaries - General     | \$3,029       |
|       | 100/02      | 1070           | Salaries - As Needed   | 11,358        |
|       | 100/02      | 2120           | Printing & Binding     | 7,077         |
|       | 100/02      | 2130           | Travel                 | 900           |
|       | 100/02      | 6010           | Office & Admin Expense | <u>18,400</u> |
|       |             |                | Total                  | \$40,764      |

3. INSTRUCT the City Clerk to place on the Council Agenda as soon as possible after **JULY 1, 2010** the following:

AUTHORIZE the Controller to:

- a. Establish a new account and appropriate funds within the HICAP Fund No. 47Y; Account G102, Title Aging, Amount \$34,959.
- b. Increase the appropriations within Fund Number 100 Department 02 and transfer funds on an as needed basis as follows:

|       | <u>Fund</u> | <u>Account</u> | <u>Title</u>           | <u>Amount</u> |
|-------|-------------|----------------|------------------------|---------------|
| From: | 47Y         | G102           | Aging                  | \$34,959      |
| To:   | 100/02      | 1010           | Salaries - General     | \$3,028       |
|       | 100/02      | 1070           | Salaries - As Needed   | 11,358        |
|       | 100/02      | 2120           | Printing & Binding     | 5,369         |
|       | 100/02      | 2130           | Travel                 | 900           |
|       | 100/02      | 6010           | Office & Admin Expense | <u>14,304</u> |
|       |             |                | Total                  | \$34,959      |

- c. Transfer any unexpended FY 2009-10 MIPPA grant funds (\$xx,xxx) to the FY 2010-11 appropriation account within the HIPPA Fund Number 47Y. The \$xx,xxx savings amount to be determined based upon finalization of the FY 2009-10 MIPPA cost as of June 30, 2010.



| <u>From:</u> | <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|--------------|----------------|--------------|---------------|
|              | G102           | Aging        | \$xx,xxx      |
| To:          | H102           | Aging        | \$xx,xxx      |

- d. Increase the appropriations within Fund Number 100 Department 02 and transfer funds on an as needed basis as follows:

| <u>From:</u> | <u>Fund</u> | <u>Account</u> | <u>Title</u>           | <u>Amount</u> |
|--------------|-------------|----------------|------------------------|---------------|
|              | 47Y         | H102           | Aging                  | \$xx,xxx      |
| To:          | 100/02      | 1010           | Salaries - General     | \$xx,xxx      |
|              | 100/02      | 1070           | Salaries - As Needed   | xx,xxx        |
|              | 100/02      | 2120           | Printing & Binding     | xx,xxx        |
|              | 100/02      | 2130           | Travel                 | xx,xxx        |
|              | 100/02      | 6010           | Office & Admin Expense | <u>xx,xxx</u> |
|              |             |                | Total                  | \$xx,xxx      |

Fiscal Impact Statement: The LADOA reports that the MIPPA Program grant is entirely funded through the Centers for Medicare and Medicaid services. No City General Funds will be allocated to this project. There is no local match requirement.

Community Impact Statement: None submitted.

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 50-52)**

**ITEM NO. (50) - ADOPTED**

[07-0417](#)  
CD 14

MITIGATED NEGATIVE DECLARATION and COMMUNICATION FROM VICE CHAIR, PUBLIC WORKS COMMITTEE relative to vacating 14th Street between Central and Naomi Avenues (VAC E1401075).

Recommendations for Council action:

1. FIND that all mitigation measures have been imposed, as described in the Mitigated Negative Declaration (ENV-2009-315-MND) and attached to the Council file, as approved by the City Planning Commission on April 9, 2009 pursuant to the California Environmental Quality Act of 1970 and the City of Los Angeles Environmental Guidelines.
2. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit B of the June 26, 2009 City Engineer report and attached to the Council file:

14th Street between Central and Naomi Avenues

3. ADOPT the FINDINGS of the City Engineer dated June 26, 2009, as the Findings of the Council.
4. ADOPT the accompanying City Engineer report dated June 26, 2009 to approve the vacation.
5. INSTRUCT the City Clerk to set a public hearing date for **SEPTEMBER 23, 2009**.

Fiscal Impact Statement: The City Engineer reports that to date, an estimated \$6,420 in charges has been expended in the investigation of this request pursuant to Los Angeles Administrative Code (LAAC) Section 7.42. Any deficit fee to recover the cost pursuant to LAAC Section 7.44 may be required of the petitioner. Maintenance of the public easement by City Forces will be eliminated.

Community Impact Statement: None submitted.

### ITEM NO. (51) - ADOPTED

[07-0455](#)

CD 5

CATEGORICAL EXEMPTION and COMMUNICATION FROM VICE-CHAIR, PUBLIC WORKS COMMITTEE relative to vacating the public and future street northwesterly of the intersection between Deervale and Fawndale Places (VAC E1401039).

Recommendations for Council action:

1. FIND that the vacation of the public and future street northwesterly of the intersection between Deervale Place and Fawndale Place is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit A of the March 10, 2009 City Engineer report and attached to the Council file:

The public and future street northwesterly of the intersection between Deervale and Fawndale Places

3. ADOPT the FINDINGS of the City Engineer dated March 10, 2009, as the Findings of the Council.
4. ADOPT the accompanying City Engineer report dated March 10, 2009 to approve the vacation.
5. INSTRUCT the City Clerk to set a public hearing date for **SEPTEMBER 23, 2009**.

Fiscal Impact Statement: The City Engineer reports that to date, an estimated \$10,420 in charges has been expended in the investigation of this request pursuant to Los Angeles Administrative Code (LAAC) Section 7.42. Any deficit fee to recover the cost pursuant to LAAC Section 7.44 may be required of the petitioner. Maintenance of the public easement by City Forces will be eliminated.

Community Impact Statement: None submitted.

**ITEM NO. (52) - ADOPTED**

[08-2511](#)

CD 8

CATEGORICAL EXEMPTION and COMMUNICATION FROM VICE-CHAIR, PUBLIC WORKS COMMITTEE relative to vacating the alley northerly of Martin Luther King, Jr. Boulevard between Roxton and Sutro Avenues (VAC E1401126).

Recommendations for Council action:

1. FIND that the vacation of the alley northerly of Martin Luther King, Jr. Boulevard between Roxton and Sutro Avenues is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit B of the May 13, 2009 City Engineer report and attached to the Council file:

The alley northerly of Martin Luther King, Jr. Boulevard between Roxton and Sutro Avenues.

3. ADOPT the FINDINGS of the City Engineer dated May 13, 2009, as the Findings of the Council.
4. ADOPT the accompanying City Engineer report dated May 13, 2009 to approve the vacation.
5. INSTRUCT the City Clerk to set a public hearing date for **SEPTEMBER 23, 2009**.

Fiscal Impact Statement: The City Engineer reports that to date, an estimated \$9,420 in charges has been expended in the investigation of this request pursuant to Los Angeles Administrative Code (LAAC) Section 7.42. Any deficit fee to recover the cost pursuant to LAAC Section 7.44 may be required of the petitioner. Maintenance of the public easement by City Forces will be eliminated.

Community Impact Statement: None submitted

**ITEM NO. (53) - ADOPTED**

**Roll Call #20 - Motion (Wesson - LaBonge) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1859](#)

COMMUNICATION FROM VICE-CHAIR, PUBLIC WORKS COMMITTEE relative to the Community Forest Advisory Committee (CFAC) reporting in regard to the City's urban forest.

Recommendation for Council action:

NOTE and FILE the Motion (Rosendahl - Reyes) relative to the CFAC reporting in regard to the City's urban forest.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**ITEM NO. (54) - ADOPTED**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[07-1241](#)

COMMUNICATIONS FROM CITY ATTORNEY, CITY ADMINISTRATIVE OFFICER and RESOLUTION relative to the Victim Emergency Assistance Program Grant award for Fiscal Years 2009-2011.

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

1. AUTHORIZE the City Attorney or designee to approve and execute the agreement with the State of California Victim Compensation and Government Claims Board (VCGCB) for the period of July 1, 2009 to June 30, 2011, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Controller to maintain the revolving account entitled "Victim Emergency Award Payment" within Fund 368, Department 12, administered by the Office of the City Attorney.
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.
4. ADOPT the accompanying RESOLUTION requested by the VCGCB for receipt of the grant award.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. Approval of this request will allow the City to be reimbursed for all expenses related to assisting victims and witnesses of crimes. The recommendations in the CAO report dated July 31, 2009 are in compliance with the City's Financial Policies in that ongoing costs are supported by ongoing revenue.

Community Impact Statement: None submitted.

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

**ITEM NO. (55) - REFERRED TO THE AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE**

**Roll Call #8 - Motion (Koretz - Hahn) Adopted to Refer, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[07-3867](#)

COMMUNICATIONS FROM THE CHIEF LEGISLATIVE ANALYST and CONTROLLER relative to a Performance Audit of the City's Grant Seeking and Administration Process and proposed pilot program.

Recommendations for Council action:

1. INSTRUCT the City Administrative Officer (CAO) to conduct a Pilot Program with the following five City departments: Community Development, Aging, City Attorney, Public Works-Sanitation, and Environmental Affairs, for a period of six months to determine whether the proposed revisions to the Grants Ordinance will result in a more efficient, streamlined process for applying, accepting and reporting on grants.
2. INSTRUCT the Department Heads of the departments/bureaus identified in Recommendation No. 1 to submit to the CAO Grants Oversight Unit a Grant Application Packet on all competitive and/or discretionary grant applications.
3. INSTRUCT the CAO to prepare a monthly report to the Council and Mayor on all recent grant application submissions, and identify any applications with issues or concerns.
4. INSTRUCT the Department Heads of the departments/bureaus identified in Recommendation No. 1 to submit a Grant Acceptance Packet to the CAO Grant Oversight Unit, and to the Office of the City Attorney for legal review, within 10 calendar days of the Notice of Grant Award.
5. INSTRUCT the CAO, within 10 calendar days of receipt of the Grant Acceptance Packet, to review the Acceptance Packet for completeness, prepare a Fiscal Impact Statement, and forward all documents to the City Clerk for Council approval.
6. INSTRUCT the City Clerk to place the Acceptance Packet on the agenda of the next scheduled meeting of the policy Committee with programmatic oversight over the grant. If the Acceptance Packet has not been approved after 30 calendar days and is still pending in Committee(s), then, with the consent of the Committee Chair(s), the City Clerk shall place the Acceptance Packet on the Council agenda for final consideration and approval.
7. INSTRUCT the Department Heads of the departments/bureaus identified in Recommendation No. 1 to submit a Grant Acceptance Packet to the CAO Grants Oversight Unit, using the eCivis Grant Network: Tracking and Reporting Module, the following information on a monthly basis: grants applied for, grants awarded, award amount, purpose of grant, status of current grants, issues relating to grant program implementation, grants denied, grants closed out, and other criteria determined by the CAO.
8. INSTRUCT the CAO to consolidate this information, using the eCivis Grants Network: Tracking and Reporting Module, to prepare a formal Grants Status Report to the Council and Mayor upon completion of the six-month pilot.
9. INSTRUCT the CAO to report to the Council and Mayor within seven months on the results of the Pilot Program and provide recommendations for potential expanded implementation.
10. NOTE and FILE the Controller report relative to a Performance Audit of the City's Grant Seeking and Administration Process.

Fiscal Impact Statement: The Chief Legislative Analyst reports that the approval of these recommendations has no impact on the General Fund. The Pilot Program will be conducted by the CAO within existing resources.

Community Impact Statement: None submitted.

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 56-58)**

**ITEM NO. (56) - ADOPTED**

[09-1813](#)

COMMUNICATION FROM THE CITY ATTORNEY relative to the VOCA Stimulus Victim Assistance Program Grant award for Fiscal Year 2009-10.

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

1. AUTHORIZE the City Attorney or designee to approve the grant award agreement between the City and the State in the amount of \$25,536 for the period of July 1, 2009 to June 30, 2010.
2. AUTHORIZE the City Attorney or designee to accept the funding in the amount of \$25,536 from the State.
3. AUTHORIZE the City Attorney or designee to execute said grant award agreement, subject to the approval of the Office of the City Attorney as to form and legality.
4. AUTHORIZE the Controller to establish a receivable in the amount of \$20,429 from the State of California, California Emergency Management Agency, and establish the following appropriation account within Fund 368 - City Attorney Grant Fund, Department 12, upon receipt of grant funds:

| <u>Account</u> | <u>Title</u>       | <u>Amount</u> |
|----------------|--------------------|---------------|
| F3A3           | Operating Expenses | \$20,429      |

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

Fiscal Impact Statement: The City Attorney reports that there is no General Fund contribution required.

Community Impact Statement: None submitted.

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

**ITEM NO. (57) - ADOPTED**

[09-1847](#)

COMMUNICATION FROM THE OFFICE OF FINANCE relative to a refund claim filed by International Business Machines Corporation for overpayment of business tax.

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

APPROVE the refund claim filed by International Business Machines Corporation in the amount of \$56,120.41, plus daily interest of \$9.23 to be paid from the date the claim was filed until the claim is paid.

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.

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

**ITEM NO. (58) - ADOPTED**

[09-1795](#)

CD 9

MITIGATED NEGATIVE DECLARATION, COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) and RESOLUTIONS relative to consideration of environmental effects and a loan agreement for the development of an affordable senior housing project at 535 West 41st Street in the Exposition - University Park Redevelopment Project Area.

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION certifying that the CRA/LA Board of Commissioners has reviewed and considered the environmental effects of the project described in the City of Los Angeles Mitigated Negative Declaration ENV-2009-364-MND pursuant to California Environmental Quality Act and its Guidelines set forth in California Code of Regulations Section 15096(f).
2. AUTHORIZE the Chief Executive Officer, or designee, to execute a Predevelopment-to-Permanent Loan Agreement in an amount not to exceed \$663,500 and to take such other actions as are necessary to administer that loan agreement with Laurel Park West Hollywood Inc. for predevelopment activities of the project at 535 West 41st Street in the Exposition - University Park Redevelopment Project Area.
3. ADOPT the accompanying RESOLUTION making the finding that an economically feasible alternative of financing said project on substantially comparable terms without subordination of the CRA/LA Deed of Trust, Covenants and Use Restrictions is not reasonably available, and therefore, authorize subordination of that Deed of Trust, Covenants and Use Restrictions to a Los Angeles Housing Department loan and HUD loan provided for said Villa project.

Fiscal Impact Statement: The CRA reports that there is no fiscal impact to the City's General Fund as a result of this action.

Community Impact Statement: None submitted.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

**ITEM NO. (59) - ADOPTED**

**Roll Call #22 - Motion (Cárdenas - Hahn) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

09-1405

CD 2

NEGATIVE DECLARATION and COMMUNICATION FROM THE BOARD OF PUBLIC WORKS relative to approval of the Moorpark Street Widening from Woodman Avenue to Murietta Avenue Project.

Recommendations for Council action:

1. FIND, on the basis of the whole record, that there is no substantial evidence that the Moorpark Street Widening from Woodman Avenue to Murietta Avenue Project will have a significant effect on the environment; further FIND that the Negative Declaration (NG-09-158-PL) reflects the City's independent judgment and analysis; and ADOPT said Negative Declaration detailed in Transmittal 1 of the June 8, 2009 Board of Public Works report and attached to the Council file.
2. APPROVE the Moorpark Street Widening from Woodman Avenue to Murietta Avenue Project as detailed in the Initial Study (Transmittal 1 of the June 8, 2009 Board of Public Works report) and attached to the Council file.
3. INSTRUCT the City Clerk to immediately notify Julie Van Wagner of the Bureau of Engineering's Environmental Management Group at (213) 485-5754 of the adoption of the Negative Declaration, as described above in Recommendation Nos. 1 and 2, so that the Notice of Determination can be filed with the Office of the County Clerk within five working days.

Fiscal Impact Statement: The Board of Public Works reports that funding for Moorpark Street Widening from Woodman Avenue to Murietta Avenue Project is provided by the Los Angeles County Metropolitan Transportation Authority Proposition C and Local Proposition C funds. There is no fiscal impact to the General Fund.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)



**ITEM NO. (60) - ADOPTED**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1810](#)

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to the Fourth Interim Report on the Storm Damage Repair Program for the Department of Public Works (2005 Storms).

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

1. INCREASE appropriations to various departments totaling \$605,992 as specified below from Municipal Corporation of Los Angeles (MICLA) Fund No. 29850/A600, 2005 Storm Damage Repair, for estimated project management and construction-related costs:

Department of General Services, Fund No. 100/40

| <u>Account</u> | <u>Title</u>     | <u>Amount</u> |
|----------------|------------------|---------------|
| 1010           | Salaries General | \$12,000      |

Bureau of Engineering, Fund No. 100/78

| <u>Account</u> | <u>Title</u>     | <u>Amount</u> |
|----------------|------------------|---------------|
| 1010           | Salaries General | \$80,569      |

Bureau of Engineering, Fund No. 100/86

| <u>Account</u> | <u>Title</u>     | <u>Amount</u> |
|----------------|------------------|---------------|
| 1010           | Salaries General | \$51,3423     |

2. INCREASE appropriations to the Bureau of Street Services from MICLA Fund No. 29850/Y600, 2005 Storm Damage Repair, for construction-related costs:

| <u>Account</u> | <u>Title</u>              | <u>Amount</u>  |
|----------------|---------------------------|----------------|
| 1090           | Salaries Overtime         | \$106,249      |
| 1100           | Hiring Hall Salaries      | 230,321        |
| 1120           | Hiring Hall Benefits      | 177,082        |
| 1190           | Hiring Hall Overtime      | 17,708         |
| 3030           | Construction Expense      | 354,164        |
| 3040           | Contractual Services      | 43,940         |
| 6010           | Office and Administrative | 17,708         |
| 6020           | Operating Supplies        | <u>177,082</u> |
|                | Subtotal                  | \$1,124,254    |

3. INSTRUCT the Board of Public Works, in accordance with Recommendation Nos. 2 and 3 above, to transfer cash from MICLA Fund No. 298/50, Accounts F140, F178 and F186 to reimburse the General Fund on an as-needed basis upon proper documentation from the departments and approval of the Bureau of Engineering Project Manager and the City Administrative Officer (CAO); and, to revert any unspent funds to the respective project accounts after completing 2009-10 year-end closing upon request by the Bureau of Engineering and approval of the City Administrative Officer.

4. INCREASE appropriations to various departments totaling \$379,647 as specified below from Subventions and Grant Fund No. 305/50/Y602, Osborne Street Bridge Project, for estimated project management and construction-related expenses:

Department of General Services, Fund No. 100/40

| <u>Account</u> | <u>Title</u>     | <u>Amount</u> |
|----------------|------------------|---------------|
| 1010           | Salaries General | \$17,000      |

Bureau of Engineering, Fund No. 100/78

| <u>Account</u> | <u>Title</u>     | <u>Amount</u> |
|----------------|------------------|---------------|
| 1010           | Salaries General | \$240,547     |

Bureau of Contract Administration, Fund No. 100/76

| <u>Account</u> | <u>Title</u>      | <u>Amount</u> |
|----------------|-------------------|---------------|
| 1010           | Salaries General  | \$110,600     |
| 1090           | Salaries Overtime | 6,500         |
| 3310           | Transportation    | <u>5,000</u>  |
|                | Subtotal          | \$122,100     |

5. INSTRUCT the Board of Public Works, in accordance with Recommendation No. 4 above to transfer cash from Subventions and Grant Fund No. 305/50, Accounts F140, F176 and F178 to reimburse the General Fund on an as-needed basis upon proper documentation from the departments and approval of the Bureau of Engineering Project Manager and the CAO; and, to revert any unspent funds to the respective project accounts after completing 2009-10 year-end closing upon request by the Bureau of Engineering and approval by the CAO.
6. REDUCE the Public Works Trust Fund loan and the related appropriations in the Subvention and Grants Fund No. 305/50, Account Y601, Tujunga Avenue Washout by \$240,000 and Account Y602, Osborne Street Bridge by \$2,290,000.
7. AUTHORIZE the CAO to further reduce the Public Works Trust Fund loan as projects progress to free up funds that are no longer necessary.
8. AUTHORIZE the CAO to make technical corrections as necessary to implement the intentions of the Mayor and Council.

Fiscal Impact Statement: The CAO reports that appropriations totaling \$2.1 million recommended in this report are from existing allocations within the MICLA Commercial Paper Program Fund and the Subventions and Grant Fund. Both front funding sources are anticipated to be repaid substantially with reimbursements from the Federal Emergency Management Agency (FEMA) and Federal Highway Administration (FHWA) except for any disallowed expenditures and the interest portion of MICLA debt service costs. The interest costs, which require payment from the General Fund, have been included in the budget for the Capital Finance Administration. The City's required match funding on FHWA reimbursable projects has been allocated in the Special Gas Tax Street Improvement Fund.

Community Impact Statement: None submitted.

(Public Works and Budget and Finance Committees waived consideration of the above matter)

**ITEM NO. (61) - CONTINUED TO SEPTEMBER 22, 2009**

**Roll Call #9 - Motion (Hahn - Huizar) Adopted to Continue, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-0002-S145](#)

CONTINUED CONSIDERATION OF 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)

(Continued from Council meeting of August 5, 2009)

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 62-63)**

**ITEM NO. (62) - ADOPTED**

[09-1691](#)

CD 6

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 16663 West Victory Boulevard pursuant to the Los Angeles Municipal Code Section 12.37 (Highway Dedication Ordinance).

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.

2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated June 16, 2009 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 16663 West Victory Boulevard.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,739.20 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,560 and a seven percent surcharge in the amount of \$179.20 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

#### **ITEM NO. (63) - ADOPTED**

[09-1706](#)  
CD 6

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 13736 West Community Street pursuant to the Los Angeles Municipal Code Section 12.37 (Highway Dedication Ordinance).

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(5) of the City's Environmental Guidelines.
2. FIND that this acceptance of the Irrevocable Offer of Dedication of land is in substantial conformance with the General Plan pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated June 24, 2009 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 13736 West Community Street.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,247 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,100 and a seven percent surcharge in the amount of \$147 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

**ITEM NO. (64) - REFERRED TO THE JOBS, BUISNESS GROWTH AND TAX REFORM COMMITTEE**

**Roll Call #10 - Motion (Alarcón - Koretz) Adopted to Refer, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-0234](#)

CONSIDERATION OF MOTION (ALARCON - GARCETTI - REYES - HAHN - PARKS) relative to the potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts.

Recommendations for Council action, pursuant to Motion (Alarcón - Garcetti - Reyes - Hahn - Parks):

1. INSTRUCT the City Administrative Officer and the Chief Legislative Analyst to report within 30 days on the potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts that include temporary moratoriums on foreclosures, renegotiation of mortgage principles to reflect current values, and good faith negotiations with mortgages.
2. ENCOURAGE a similar divestiture by the City's partner retirement programs - Los Angeles City Employees' Retirement System, the Water and Power Employees' Retirement Program, Los Angeles Police Protective League and the United Firefighters of Los Angeles City.

Community Impact Statement: None submitted.

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

**ITEM NO. (65) - ADOPTED**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[09-1220](#)

CD 12

CONSIDERATION OF MOTION (SMITH - ZINE) relative to a request to waive permit fees for the Belcourt Homeowners Association project to purchase, install and maintain bus benches and street furniture at a City bus stop.

Recommendations for Council action:

1. WAIVE the fees for the Revocable Permit, the A-permit, and any other permits necessary, and INSTRUCT the Bureau of Engineering (BOE) to issue these permits upon receipt of the waiver of damages and proof of liability insurance to their satisfaction.
2. INSTRUCT the BOE, should a Revocable Permit be issued, monitor the maintenance of liability insurance for this Revocable Permit and notify the respective Council Office and the Bureau of Street Services, Street Use Investigation Division should the liability insurance lapse.

3. AUTHORIZE the Chief Legislative Analyst, or designee, to make technical changes to clarify and to implement the intent of this Motion.

Community Impact Statement: None submitted.

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

**ITEM NO. (66) - NOTED AND FILED**

**Roll Call #26 - Motion (Hahn - Huizar) Adopted to Note and File, Unanimous Vote (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

09-0002-S45

CONTINUED CONSIDERATION OF RESOLUTION (HAHN - CARDENAS) relative to the City's position on S. 258 (Feinstein), which seeks to curtail the distribution and use of candy-flavored illegal drugs.

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 S. 258 (Feinstein), which seeks to curtail the distribution and use of candy-flavored illegal drugs.

Community Impact Statement: None submitted.

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

(Continued from Council meeting of August 7, 2009)

**ITEM NO. (67) - ADOPTED**

**Roll Call #21 - Motion (Parks - LaBonge) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)  
(Item Nos. 67a-67c)**

08-0776-S4

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:

08-0776-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).

**ITEM NO. (68) - ADOPTED**

**Roll Call #12 - Motion (Huizar - Wesson) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[08-1838-S1](#)

CD 11

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

Recommendation for Council action:

AMEND 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 between 11:30 A.M. and 7:30 P.M. each weekend in July (Council file No. 08-1838-S1), to extend the applicability of this action and Special Event declaration through August 31, 2009.

**Closed Sessions - Items 69-73**

**ITEM NO. (69) - ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Roll Call #27 - Motion (Parks - Koretz) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)**

[07-2075](#)

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 Frank Lima v. City of Los Angeles, Los Angeles Superior Court Case No. BC353261. (This case arises from plaintiff's claims of gender discrimination and retaliation with the Los Angeles Fire Department.)

(Budget and Finance Committee will consider the above matter on August 10, 2009.)

**ADOPTED**

**MOTION (PARKS - KORETZ)**

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

1. **FIND** that the City intends to make an interfund borrowing or advance from Fund 9770, to pay the judgment on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issuance.
2. **AUTHORIZE** the City Attorney to expend \$4,847,290.64 (\*) in settlement of the case entitled Frank Lima v. City of Los Angeles, Los Angeles Superior Court Case No. BC353261, from Liability Claims Account No. 9770, Fund 100/59.
3. **AUTHORIZE** the City Attorney to draw a demand thereon in said amount payable to Gregory Smith Client Trust Account.
4. **AUTHORIZE** the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, including adjustments to the amount of interest accrued on the judgment per day until paid, subject to the approval of the City Administrative Officer, and **AUTHORIZE** the Controller to implement the instructions.

(This matter was approved by the Chair and Member, Budget and Finance Committee (Parks - Huizar "yes") at its meeting on August 10, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

\*This amount includes the additional sum of \$7,741.14 in plaintiff's total costs, pending Claims Board approval.

**ITEM NO. (70) - ADOPTED IN OPEN SESSION - SEE FOLLOWING**

Roll Call #28 - Motion (Parks - Koretz) Adopted, Ayes (10); Absent: Reyes, Rosendahl, Smith and Zine (4)

[09-1905](#)

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 Lewis S. Bressler v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC336783. (This case arises from plaintiff's claims of discrimination and retaliation with the Los Angeles Fire Department.)

(Budget and Finance Committee will consider the above matter on August 10, 2009.)

**ADOPTED**

**MOTION (PARKS - KORETZ)**

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



1. **FIND** that the City intends to make an interfund borrowing or advance from Liability Claims Account 9770, to pay the judgment on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issuance.
2. **AUTHORIZE** the City Attorney to expend \$3,335,737 in settlement of the case entitled Lewis S. Bressler v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC336783, from Liability Claims Account 9770, Fund 100/59.
3. **AUTHORIZE** the City Attorney to draw demands thereon as follows:
  - a. \$3,071,682 payable to Clerk of the Superior court
  - b. \$264,055 payable to Litt, Estuar, Harrison and Kitson, LLP and Lewis S. Bressler
4. **AUTHORIZE** the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and **AUTHORIZE** the Controller to implement the instructions.

This matter was approved by the Chair and Member, Budget and Finance Committee (Parks - Huizar) at its meeting on August 10, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

**ITEM NO. (71) - CONTINUED TO SEPTEMBER 2, 2009**

**Roll Call #13 - Motion (Parks - Koretz) Adopted to Continue, Unanimous Vote (10); Absent: Reyes, 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 August 5, 2009)

**ITEM NO. (72) - ACTION TAKEN IN CLOSED SESSION**

[09-0122](#)

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 in the case entitled Monterey Hills Investors, LLC v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS 110114 (Council District 14).

(Planning and Land Use Management and Budget and Finance Committees waived consideration of the above matter)

## ITEM NO. (73) - ACTION TAKEN IN CLOSED SESSION

### [09-0709](#)

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 Alameda Books, et al. v. the City of Los Angeles, United States District Court Case No. CV 95-7771 DDP.

(Planning and Land Use Management Committee considered the above matter in Closed Session on May 26, 2009.)

(Continued from Council meeting of July 29, 2009)

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

### [09-2028](#)

MOTION (PERRY for ROSENDAHL - KORETZ) relative to declaring the Bray Street Block Party on August 15, 2009 a Special Event (fees and costs absorbed by the City = \$1,642).

### [07-2522-S2](#)

MOTION (PERRY - PARKS) relative to declaring the Entertainment Tonight Emmy Party on September 20, 2009 a Special Event (all costs incurred by the City associated with this event will be paid by the event sponsor).

### [09-2029](#)

MOTION (PERRY - PARKS) relative to declaring the Health, Safety and Nutrition Day on August 22, 2009 a Special Event (fees and costs absorbed by the City = \$1,014).

### [09-2030](#)

MOTION (PERRY - PARKS) relative to declaring the Go Green Showcase on August 22, 2009 a Special Event (fees and costs absorbed by the City = \$1,014).

### [08-2208-S1](#)

MOTION (HUIZAR - KORETZ) relative to declaring the Greater Los Angeles Agency on Deafness Taste of Eagle Rock on August 22, 2009 a Special Event (fees and costs absorbed by the City = \$1,676).

### [09-2031](#)

MOTION (HUIZAR - ALARCON) relative to declaring the National Night Out on August 4, 2009 a Special Event (fees and costs absorbed by the City = \$3,824).

## COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Motion (Garcetti - Perry) unanimously adopted to excuse Councilmember Koretz to leave at noon from Council session of Friday, September 11, 2009, due to City business.

Upon his request, and without objections, Councilmember Koretz was excused to leave at 10:30 a.m. from Council session of Tuesday, September 22, 2009, due to City business.

**COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

[09-1668](#) - George Hamilton

(Garcetti - LaBonge)

Bureau of Sanitation's Solid Resources Program  
Working Every Day for a Sustainable L.A.

(Garcetti - All Councilmembers)

**Ayes, Alarcón, Cárdenas, Hahn, Huizar, Koretz, LaBonge, Parks, Perry, Wesson and President Garcetti (10); Absent: Reyes, 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