

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **January 27, 2010**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cárdenas, Hahn, Krekorian, Parks, Perry, Reyes, Smith, Wesson, Zine and President Garcetti (10); Absent: Alarcón, Huizar, Koretz, LaBonge and Rosendahl (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JANUARY 22, 2010

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 25

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

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

Items Noticed for Public Hearing - Items 1-4

**ITEM NO. (1) - PUBLIC HEARING CLOSED - NO PROTEST - CITY ENGINEER INSTRUCTED TO
PROCEED**

**Roll Call #1 - Motion (Garcetti - Reyes) Adopted, Ayes (10); Absent: Alarcón, Huizar, Koretz,
LaBonge and Rosendahl (5)**

[08-3266](#)
CD 14

HEARING PROTESTS against the proposed street vacation of Mission Road and Seventh Street
Vacation District.

VAC-E1400458

(Communication from the City Engineer adopted on November 24, 2009)

ITEM NO. (2) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

Roll Call #2 - Motion (Rosendahl - Reyes) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[09-2997](#)

CD 11

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at the market/deli located at 600 East Mildred Avenue.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license for the sale of alcoholic beverages for off-site consumption at the market/deli located at 600 East Mildred Avenue, Venice, 90291, will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at 600 East Mildred Avenue.
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: Kim Abraham Kyujin (Justin Kim, SEO & Company, representative)

TIME LIMIT FILE - JANUARY 27, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 27, 2010)

**Roll Call #1 - Motion (Garcetti - Reyes) Adopted, Ayes (10); Absent: Alarcón, Huizar, Koretz, LaBonge and Rosendahl (5)
(Item Nos. 3-4)**

ITEM NO. (3) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

[09-3030](#)

CD 9

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for on-site consumption at The Falls cocktail lounge located at 626 Spring Street, Unit A, Los Angeles, 90014.

Application filed by: Michelle Marini (Elizabeth Peterson Group, representative)

TIME LIMIT FILE - FEBRUARY 1, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 29, 2010)

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

ADOPTED

MOTION (GARCETTI - REYES)

Recommendations for Council action:

1. **DETERMINE** that the issuance of a liquor license for the sale of alcoholic beverages for on-site consumption at The Falls cocktail lounge located at 626 Spring Street, Unit A, Los Angeles, 90014, 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” the sale of alcoholic beverages for off-site consumption at 626 Spring Street, Unit A, Los Angeles, 90014.
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: Michelle Marini (Elizabeth Peterson Group, representative)

TIME LIMIT FILE - FEBRUARY 1, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 29, 2010)

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

[09-3037](#)
CD 9

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for alcohol sales for off-site consumption at Famima!! specialty/gourmet convenience store located at 700 West Wilshire Boulevard, Space A, Los Angeles, 90017.

Application filed by: Famima Corporation (Art Rodriguez and Associates, representative)

TIME LIMIT FILE - JANUARY 29, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 29, 2010)

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

ADOPTED

MOTION (GARCETTI - REYES)

Recommendations for Council action:

1. **DETERMINE** that the issuance of a liquor license for the sale of alcoholic beverages for off-site consumption at Famima!! specialty/gourmet convenience store located at 700 West Wilshire Boulevard, Space A, Los Angeles, 90017 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” the sale of alcoholic beverages for off-site consumption at 700 West Wilshire Boulevard, Space A, Los Angeles, 90017.
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: Famima Corporation (Art Rodriguez and Associates, representative)

TIME LIMIT FILE - JANUAFY 29, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 29, 2010)

Items for Which Public Hearings Have Been Held - Items 5-23

ITEM NO. (5) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #8 - Motion (Garcetti - Reyes) Adopted, Ayes (12); Absent: Alarcón, Huizar and LaBonge (3)

[09-2851](#)

CD 13

ORDINANCE FIRST CONSIDERATION relative to amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map for 6381-85 West Hollywood Boulevard and 1708-20 North Cahuenga Boulevard.

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

PRESENT and ADOPT the accompanying ORDINANCE, approved on behalf of the City Planning Commission, effecting a zone change from C4-2D-SN to [T][Q]C4-2D-SN for property located at 6381-85 West Hollywood Boulevard and 1708-20 North Cahuenga Boulevard within the Hollywood Plan Area, subject to Conditions of Approval, as amended.

Applicant: SPBB, LLC, David Morgan

CPC 2008-4001-ZC-HD-CUB-CUX-ZAA-SPR

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.

(Mitigated Negative Declaration, Findings and Planning and Land Use Management Committee Report adopted, as amended, on January 20, 2010)

**Roll Call #3 - Motion (Smith - Parks) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge
(4)
(Item Nos. 6-19)**

ITEM NO. (6) - ADOPTED

[09-0849](#)

ORDINANCE SECOND CONSIDERATION, approved by the Director of Planning on behalf of the City Planning Commission, repealing Sections 12.22 C 4 and 5 of the Los Angeles Municipal Code relating to projecting buildings.

(Exemption and Planning and Land Use Management Committee adopted on January 20, 2010)

ITEM NO. (7) - ADOPTED

[09-3050](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the City of Los Angeles Investment Policy and related Investment Program approvals.

Recommendations for Council action:

1. ADOPT the Statement of Investment Policy for Calendar Year 2010 pursuant to City of Los Angeles Administrative code, Chapter 5.1, Article 1, Section 20.90.
2. APPROVE the continuation of the City's Security Lending Program.
3. INSTRUCT City Administrative Officer (CAO), Chief Legislative Analyst (CLA), and City Treasurer to report back to the Budget and Finance Committee within 30 days relative to issues pertaining to the current and proposed Investment Advisory Committee membership criteria, responsibilities, relationship with the Council, etc.

Fiscal Impact Statement: None submitted by the City Treasurer. Neither the CAO nor CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (8) - ADOPTED

[09-0406-S6](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer's Investment and Cash Management Report for the month ending September 30, 2009.

Recommendation for Council action:

NOTE and FILE the City Treasurer's Investment and Cash Management Report for the month ending September 30, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED

09-0406-S7

BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer's Investment and Cash Management Report for the month ending October 31, 2009.

Recommendation for Council action:

NOTE and FILE the City Treasurer's Investment and Cash Management Report for the month ending October 31, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (10) - ADOPTED

09-0600-S153

BUDGET AND FINANCE COMMITTEE REPORT relative to the status of liability accounts as of October 31, 2009.

Recommendation for Council action:

NOTE and FILE the City Attorney's report relative to the status of liability accounts as of October 31, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

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

ITEM NO. (11) - ADOPTED

09-2841

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the 2010 Calendar Year Affordable Housing Trust Fund (AHTF) Notice of Funding Availability (NOFA) and related actions.

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 January 6, 2010.
2. INSTRUCT the Los Angeles Housing Department (LAHD) to:
 - a. Report back within 30 days on methods to encourage inclusion of income-restricted units as part of mixed-income projects with market-rate units, including certain public benefit characteristics which may differ from those presented by one hundred percent affordable projects such as:
 - 1) Mixed income: new affordable units in a mixed-income project.
 - 2) Leveraging with private financing rather than with one hundred percent public funding should be specifically allowed and encouraged to preserve scarce state and local funds.
 - 3) The length of affordability covenants should be consistent with property characteristics.
 - 4) Renovation rather than demolition of historic properties should be encouraged.
 - b. Advise, in its LAHD report back evaluating submittals under the current NOFA, where the mixed-income public benefit criteria would, if adopted, change the ranking of projects submitted for awards under the NOFA.
 - c. Recommend, in connection with the preparation of criteria for the Spring 2010 NOFA, potential mixed-income public benefit criteria for inclusion in that process.
 - d. Report back relative to establishing a recruitment radius for housing constructed with AHTF monies, specifically to provide residents of the communities that the new housing is being built in with the first opportunity to access it.
 - e. Report back relative to the status of the Five-Year Housing Plan and how it compares with the policies and recommendations of the 2010 AHTF NOFA.
 - f. Report back relative to the balance of the AHTF five percent Community Redevelopment Agency (CRA) Tax Increment set-aside identifying, by Council District, where the money originates and where the money is spent (cumulative as well as annually).
 - g. Report back relative to whether AHTF five percent CRA Tax Increment funds can be used for homeownership preservation and/or foreclosure prevention.
3. INSTRUCT the Housing Authority of the City of Los Angeles (HACLA) and the LAHD to report back to the Housing, Community, and Economic Development Committee when the AHTF results are considered on the status of the HACLA application process for project based vouchers.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund. Approval of the CAO recommendations authorize the release of the 2010 AHTF NOFA Round One in the amount of \$32.81 million based on the availability of previously approved HOME Investment Partnerships Program (\$19.48 million), Department of Water and Power (DWP) funds (\$1.28 million), McKinney Bond proceeds (\$0.70 million) and CRA funds (\$11.35 million) designated to the AHTF to the extent that proposer projects qualify for these funds and have obtained acknowledgement and support from the CRA. The LAHD must report back to the Mayor and Council with recommendations for final award based on the results of the 2010 AHTF NOFA. These recommendations comply with City Financial Policies because dedicated funding sources will fully fund any resulting commitments to projects selected under the NOFA.

Community Impact Statement: None submitted.

ITEM NO. (12) - ADOPTED

[09-3065](#)

INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT relative to extending the expiration date of the Office of Public Safety Oversight Committee to February 7, 2015.

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an Ordinance to amend Section 22.545.1(e) of the Los Angeles Administrative Code to read that the provisions of this section shall expire, and be deemed to have been repealed, on February 7, 2015, unless earlier amended and extended by the Council by ordinance.

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

Community Impact Statement: None submitted.

ITEM NO. (13) - ADOPTED

[09-2831](#)

CD 9

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Conditional Use appeal for property at 1051 East Slauson Avenue.

Recommendations for Council action:

1. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of Council.

2. RESOLVE to DENY the APPEAL filed by Camarena Recycling, Benjamin Camarena, (Franco Jasso, Representative) from the entire decision of the CPC, THEREBY DENY a conditional use to allow a recycling "Buyback Center" for the depositing of glass, cans, papers, plastic, beverage containers, and similar recyclable materials in the MR1-1 Zone, located at 1051 East Slauson Avenue.

Applicant: Camarena Recycling (Franco Jasso, Representative)

CPC 2008-4814 CU

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 - JANUARY 27, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 27, 2010)

ITEM NO. (14) - ADOPTED

[09-2870](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to prohibiting tobacco sales near schools.

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

REQUEST the City Attorney, in consultation with the City Planning Department, to prepare and present an ordinance that prohibits tobacco sales near schools, and which includes the following policy objectives:

- a. Sales Prohibition: At a minimum prohibit sales of tobacco products within 600 square feet of a school, however, 1,000 square feet of a school would be preferable.
- b. License Revocations: If an ordinance grandfathers existing tobacco retailers in close proximity to schools, then those retailers should be subject to a tougher penalty schedule including license revocation after a third violation of selling tobacco to minors.
- c. Limited Hours of Operations: If an ordinance grandfathers existing tobacco retailers, the hours of operations/sales should include, but not limited, to prohibit sales during school hours, hours when students are walking to school, and hours when students are walking home from school.

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. (15) - ADOPTED

[09-2892](#)
CD 10

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Frank E. Hartigan Residence located at 1034 South Gramercy Place in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the Frank E. Hartigan Residence located at 1034 South Gramercy Place in the list of Historic-Cultural Monuments.

Applicant/Owner: Karen S. Canady and Robert C. Michelson CHC 2009-2862 HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 17, 2010

(LAST DAY FOR COUNCIL ACTION - FEBRUARY 17, 2010)

ITEM NO. (16) - ADOPTED

[09-2923](#)
CD 10

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the 844 South Plymouth Apartments located at 844 South Plymouth Boulevard in list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the 844 South Plymouth Apartments located at 844 South Plymouth Boulevard in the list of Historic-Cultural Monuments.

Applicant/Owner: Katie E. Horak/Ann K. Moacanin CHC 2009-2888 HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 17, 2010

(LAST DAY FOR COUNCIL ACTION - FEBRUARY 17, 2010)

ITEM NO. (17) - ADOPTED

[09-3018](#)

CD 13

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Villa Palombo-Togneri located at 2508 Mayberry Street in list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the Villa Palombo-Togneri located at 2508 Mayberry Street in the list of Historic-Cultural Monuments.

Applicant/Owner: William W. Buckingham III
(Charles J. Fisher, Representative) CHC 2009-3039 HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 3, 2010

(LAST DAY FOR COUNCIL ACTION - MARCH 3, 2010)

ITEM NO. (18) - ADOPTED

[09-3019](#)

CD 13

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Shire Art House located at 2354 South Vista Gordo Drive in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the Shire Art House located at 2354 South Vista Gordo Drive in the list of Historic Cultural Monuments.

Applicant/Owner: William Shire (Charles J. Fisher, Representative) CHC 2009-3028 HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 3, 2010

(LAST DAY FOR COUNCIL ACTION - MARCH 3, 2010)

ITEM NO. (19) - ADOPTED

[09-3020](#)

CD 13

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Henry Shire Residence located at 2208 North Princeton Avenue in the list of Historic Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
2. APPROVE the recommendation of the CHC relative to the inclusion of the Henry Shire Residence located at 2208 North Princeton Avenue in the list of Historic Cultural Monuments.

Applicant/Owner: Peter Shire Trustee, Henry Shire Deceased Trust
Charles J. Fisher, Representative) CHC 2009-3047 HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 3, 2010

(LAST DAY FOR COUNCIL ACTION - MARCH 3, 2010)

ITEM NO. (20) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #9 - Motion (Rosendahl - LaBonge) Adopted, Ayes (13); Absent: Alarcón and Huizar (2)

[08-2053](#)

TRANSPORTATION COMMITTEE REPORT relative to an update on the bicycle sharing program Request for Information (RFI).

Recommendation for Council action:

DIRECT the Los Angeles Department of Transportation (LADOT) to:

- a. Initiate discussions with the three most viable respondents to the RFI in order to determine the feasibility of implementing a bicycle sharing program in Los Angeles.
- b. Work with the Metropolitan Transit Authority and their vendor on their bicycle sharing program.
- c. Report back to the Transportation Committee ***in 90 days** with a proposal from the recommended vendor for the Committee's review and consideration or a determination that a project of this type is currently infeasible. ***(Rosendahl - Reyes)**

Fiscal Impact Statement: The LADOT reports that no fiscal impact is anticipated outside of previously funded staff, which will work to select the contractor and manage the ongoing project operations, if a project is implemented in Los Angeles.

Community Impact Statement: None submitted.

ITEM NO. (21) - ADOPTED

Roll Call #3 - Motion (Smith - Parks) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[09-2800](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT and BUDGET AND FINANCE COMMITTEES' REPORT relative to amending the City's Agreement with the Independent Cities Finance Authority (ICFA) in order to allow the ICFA to issue tax-exempt bonds to assist non-profit agencies to acquire mobile home parks located in the City.

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

AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to negotiate and execute an amendment to the City's Agreement with the ICFA, in accordance with the accompanying First Amendment to the Associate Membership Agreement (attached to Motion), to allow the ICFA to issue tax-exempt bonds to assist non-profit agencies to acquire mobile home parks located in the City, subject to the review of the City Attorney as to form and legality.

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. (22) - ADOPTED, AS AMENDED - SEE FOLLOWING

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

[09-2895](#)

PUBLIC SAFETY COMMITTEE REPORT and COMMUNICATION FROM CHAIR and MEMBER, TRANSPORTATION COMMITTEE relative to prohibiting the harassment of bicyclists in the city of Los Angeles.

A. PUBLIC SAFETY COMMITTEE REPORT

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

REQUEST the City Attorney, in conjunction with the Los Angeles Department of Transportation, to report relative to actions the City can take to prohibit the harassment of bicyclists in the City of Los Angeles, and to recommend legislation or administrative changes that require action by the State of California to address this matter.

B. COMMUNICATION FROM CHAIR and MEMBER, TRANSPORTATION COMMITTEE

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

REQUEST the City Attorney to work with the Los Angeles Department of Transportation to prepare and present an ordinance that would prohibit the harassment of bicyclists in the City of Los Angeles.

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.

ADOPTED

MOTION (ROSENDAHL - SMITH)

Recommendation for Council action:

DIRECT the Los Angeles Department of Transportation and REQUEST the City Attorney to report back to the Council in 30 days on an ordinance to prohibit harassment and other actions the City can take to prohibit harassment of bicyclists.

ITEM NO. (23) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #11 - Motion (Smith - Parks) Adopted, Ayes (11); Absent: Alarcón, Huizar, Reyes and Zine (4)

[10-0089](#)

MOTION (GARCETTI - SMITH) relative to a request for the transfer of funds to continue outsourcing DNA analysis while the hiring of 26 new positions to perform DNA analysis is being addressed through the managed hiring process, and related matters.

(Public Safety and Budget and Finance Committee reports 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

PUBLIC SAFETY COMMITTEE REPORT and COMMUNICATION FROM CHAIR AND VICE CHAIR BUDGET AND FINANCE COMMITTEE relative to the use of Police Department salary account funds to continue outsourcing of DNA analysis.

Recommendations for Council action, as initiated by Motion (Garcetti - Smith), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **AUTHORIZE** the Controller to **TRANSFER \$871,421** within the Police Department, Fund 100/70, from the Salaries General Account 1010 to the Contractual Services Account 3040 for the continued use of outside laboratories for DNA analysis.
2. **INSTRUCT** the Los Angeles Police Department (LAPD) to provide monthly status reports to Council, and to report to the Public Safety Committee on a quarterly basis on the status of the DNA evidence kit backlog and the reduction in the backlog due to outsourcing.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. The recommended actions recommended would allow the LAPD to use \$871,421 in budgeted funds for one-time contractual services. This action complies with City financial policies in that one-time funding (available funds in the Salaries General account) are used for one-time expenditures (contractual services).

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 24-30

(10 Votes Required for Consideration)

Roll Call #12 - Motion (Perry - Parks) Adopted, Ayes (11); Absent: Alarcón, Huizar, Reyes and Zine (4)
(Item Nos. 24a-24g)

ITEM NO. (24) - ADOPTED

[10-0005-S67](#)

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 January 20, 2010:

[10-0005-S67](#)

CD 10

- a. Property at 1097 South Orange Drive (Case No. 209992).
Assessor I.D. No. 5084-012-009

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 5, 2009)

[10-0005-S68](#)

CD 8

- b. Property at 1710 West 55th Street aka 1712 West 55th Street (Case No. 135580).
Assessor I.D. No. 5003-021-012

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

[10-0005-S69](#)

CD 8

- c. Property at 1715 West 64th Street aka 1717 West 64th Street (Case No. 193857).
Assessor I.D. No. 6002-030-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 9, 2008)

[10-0005-S70](#)

CD 8

- d. Property at 1841 West 71st Street (Case No. 193864).
Assessor I.D. No. 6016-026-014

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 14, 2008)

[10-0005-S71](#)

CD 10

- e. Property at 4022 West Country Club Drive aka 4024 West Country Club Drive (Case No. 246440).
Assessor I.D. No. 5081-006-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 20, 2009)

[10-0005-S72](#)

CD 9

- f. Property at 995 East 49th Street aka 995 1/2 East 49th Street (Case No. 96022).
Assessor I.D. No. 5108-021-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 21, 2007)

[10-0005-S73](#)

CD 9

- g. Property at 995 East 49th Street aka 995 1/2 East 49th Street (Case No. 236037).
Assessor I.D. No. 5108-021-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 28, 2009)

ITEM NO. (25) - ADOPTED

Roll Call #4 - Motion (Zine - Rosendahl) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[08-2600](#)

COMMUNICATION FROM GENERAL MANAGER, DEPARTMENT OF ANIMAL SERVICES relative to renewing the Memorandum of Understanding (MOU) with the City of Beverly Hills for animal care and control services.

Recommendation for Council action:

APPROVE renewing the MOU with the City of Beverly Hills for the continued delivery of animal care and control services by the City of Los Angeles Department of Animal Services for second and third years, effective February 1, 2010, through January 31, 2012.

Fiscal Impact Statement: The Department of Animal Services reports the MOU with Beverly Hills allows reimbursements of costs to the City of Los Angeles. Total revenue for a 12-month period will exceed \$70,000 and could run to \$100,000 depending on services required and intake. All payments are deposited to the General Fund.

Community Impact Statement: None submitted.

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (26) - ADOPTED

Roll Call #13 - Motion (Rosendahl - Wesson) Adopted, Ayes (11); Absent: Alarcón, Huizar, Reyes and Zine (4)

[09-1129-S1](#)

CD 1

CONSIDERATION OF MOTION (REYES - GARCETTI) relative to authorization to issue a revocable permit to close, gate, occupy and build over the Existing Alleys prior to the recordation of the Final Map for VTT 69335 in connection with the Seventh and Coronado Affordable Family Apartment Project located at 2614 West Seventh Street.

Recommendation for Council action:

AUTHORIZE the Bureau of Engineering to issue a revocable permit, subject to the applicant satisfying the conditions for issuing such permit, to close, gate, occupy and build over the Existing Alleys prior to the recordation of the Final Map for VTT 69335, which will merge the alley as part of the Final Tract Map in connection with the Seventh and Coronado Affordable Family Apartment Project located at 2614 West Seventh Street.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (27) - ADOPTED

Roll Call #4 - Motion (Zine - Rosendahl) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[09-2190](#)

CD 9

CONSIDERATION OF MOTION (PERRY - SMITH) relative to naming 28th Street and Stanford Avenue as the "Roger 'Bill' Terry Square."

Recommendations for Council action:

1. NAME 28th Street and Stanford Avenue as the "Roger 'Bill' Terry Square."
2. DIRECT the Los Angeles Department of Transportation (LADOT) to place a permanent ceremonial sign(s) at the location described above in Recommendation No. 1 to carry out the intent of this Motion.
3. DIRECT the LADOT to notify the respective Council Office upon the installation of the ceremonial sign(s) as described above in Recommendation No. 2.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (28) - ADOPTED

Roll Call #14 - Motion (Perry - Rosendahl) Adopted, Ayes (11); Absent: Alarcón, Huizar, Reyes and Zine (4)

[08-1847-S5](#)

CD 1

MOTION (REYES - ROSENDAHL) relative to amending prior Council action of March 16, 2009, regarding the financing gaps in the MacArthur Park Metro Apartments, Phase A and the Andalucia Heights Projects.

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

AMEND Council action of March 16, 2009, (Council file No. 08-1847-S3) to approve the following to replace the MacArthur Park Metro Apartment, Phase B with the Seventh and Coronado Apartment project, both located in the First Council District:

1. INSTRUCT the Community Redevelopment Agency (CRA) to TRANSFER CRA funds in the amount of \$2,500,000 previously committed to the MacArthur Park Metro Apartments, Phase B project, to the Seventh and Coronado project at follows:
 - a. Decrease funds in the following accounts:

- 1) Fiscal Year 2009 (FY10) Supportive Housing Work Objective (WL1350; \$500,000).
 - 2) FY10 Response to Housing Opportunities Work Objective (WL1990; \$2 million).
- b. Increase funds in the Seventh and Coronado Development - FY10 Work Objective WL1700.
2. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to reallocate appropriations within HOME Fund No. 561/43 and Affordable Housing Trust Fund No. 44G/43 as follows:

From:	<u>Project</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
	MacArthur Park Metro Phase A	561/Y211	Housing Development	\$185,612
		561/A211	Housing Development	\$ 4,819,458
		561/C211	Housing Development	\$ 2,499,175
	MacArthur Park Metro Phase B	561/C211	Housing Development	\$ 1,790,661
		561/C212	AHTF	\$ 6,963,284
		WL1300/FY09	Work Objective (CRA)	<u>\$ 2,500,000</u>
			Total	\$18,758,190

To:	<u>Project</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
	MacArthur Park Metro Phase A	561/Y211	Housing Development	\$185,612
		561/A211	Housing Development	\$ 4,819,458
		561/C211	Housing Development	\$ 4,289,836
		561/C212	AHTF	\$ 6,023,604
		561/F212	AHTF	\$ 2,500,000
		44G/C214	CRA Tax Increment	\$718,552
	MacArthur Park Metro Phase B	561/C212	AHTF	<u>\$212,128</u>
			Total	\$18,758,190

3. AUTHORIZE the General Manager, LAHD, or designee, to prepare Controller instructions and any necessary technical adjustment(s), consistent with Mayor and Council actions on this matter, subject to the approval of the City Administrative Officer, and additionally, AUTHORIZE the Controller to implement the instructions.

ITEM NO. (29) - ADOPTED

Roll Call #15 - Motion (Perry - Parks) Adopted, Ayes (10); Absent: Alarcón, Huizar, Reyes, Smith and Zine (5)

[10-0011-S1](#)

CD 9

MOTION (PERRY - PARKS) relative to funding for transit related projects, sidewalk projects, curb/sidewalk improvements, beautification projects needed to improve conditions for public transit patrons, and all expenses relating or incidental thereto in Council District Nine.

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

1. TRANSFER \$95,000 from the Council District Nine portion of the Street Furniture Revenue Fund No. 43D/50 to the Council District Nine portion of the Council Fund No. 100/28, Account No. 1010 (Salaries - General) to provide funding for enhanced efforts relative to transit related projects, sidewalk projects, curb/sidewalk improvements, beautification projects needed to improve conditions for public transit patrons, and all expenses relating or incidental thereto in Council District Nine.
2. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion.

ITEM NO. (30) - ADOPTED

Roll Call #4 - Motion (Zine - Rosendahl) Adopted, Ayes (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[10-0011-S2](#)

CD 15

MOTION (HAHN - ROSENDAHL) relative to funding to the Boys and Girls Clubs of South Bay for ongoing youth programs at the Cheryl Green Community Center in Council District 15.

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

1. TRANSFER \$25,000 from the Council District 15 portion of the Street Furniture Revenue Fund No. 43D/50 to the Council District 15 Real Property Trust Fund No. 697 and ALLOCATE this amount, combined with an additional amount of \$25,000 from the Council District 15 Real Property Trust Fund No. 697 (Total: \$50,000) to the Boys and Girls Clubs of South Bay for ongoing youth programs at the Cheryl Green Community Center located at the northern leg of Del Amo Boulevard and Denker Avenue, in the Harbor Gateway area of Council District 15.
2. DIRECT the City Clerk to prepare the necessary document(s) with, and/or payment(s) to Boys and Girls Clubs of South Bay, or any other agency or organization, as appropriate, in the above amount, for the purpose, subject to the approval of the City Attorney, in needed, and AUTHORIZE the Councilmember of the District to execute any such documents on behalf of the City.

3. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of this Motion.

Items Called Special

Motions for Posting and Referral

Councilmembers' Requests for Excuse from Attendance at Council Meetings

Closed Sessions - Items 31-34

ITEM NO. (31) - CONTINUED TO FEBRUARY 5, 2010

Roll Call #5 - Motion (Wesson - Parks) Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[09-1482](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Bekeredjian v. City of Los Angeles, Los Angeles Superior Court Case No. BC343886. (This case arises from earth movement that occurred on February 27, 2005, in the vicinity of Laurel Canyon Boulevard. The earth movement affected private property and Laurel Canyon Boulevard.)

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

(Continued from Council meeting of January 20, 2010)

ITEM NO. (32) - CONTINUED TO FEBRUARY 5, 2010

Roll Call #6 - Motion (Smith - Parks) Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Huizar, Koretz and LaBonge (4)

[09-0351-S1](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the cases entitled County of Los Angeles v. City of Los Angeles, Los Angeles Superior Court Case No. BS 118788; and, Browning-Ferris Industries of California, Inc., v. City of Los Angeles, Los Angeles Superior Court Case No. BS 118796. (These cases concern challenges to two City ordinances: The Alternative to Landfilling Fee [Ordinance No. 180428] and the Alternatives to Landfilling Fund [Ordinance No. 180427]).

(Budget and Finance Committee will consider this matter in Closed Session on January 25, 2010, Ad Hoc Committee on Renew LA waived consideration of the above matter.)

ITEM NO. (33) - MOTION ADOPTED IN OPEN SESSION

Roll Call #17 - Motion (Garcetti - Krekorian) Adopted, Ayes (10); Absent: Alarcón, Huizar, Reyes, Smith and Zine (5)

[09-2975](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to a Writ of Mandate in the case entitled Palmer Sixth Street Properties, L.P. v. City of Los Angeles, Los Angeles Superior Court Case No. BS107637.

(Planning and Land Use Management Committee considered the above matter in Closed Session on January 19, 2010)

ADOPTED

MOTION (GARCETTI - KREKORIAN)

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

APPROVE the City Attorney's recommendation to set aside Condition 10 of the project approval for the Piero II, Case No. APCC-2006-1300-SPE-SPP.

ITEM NO. (34) - MOTION ADOPTED IN OPEN SESSION

Roll Call #18 - Motion (Garcetti - Krekorian) Adopted, Ayes (10); Absent: Alarcón, Huizar, Reyes, Smith and Zine (5)

[09-3087](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to a settlement in the case entitled Ben Zakarya v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 419559. (Concerning property located at 1463 and 1467 North Angelus Avenue in Council District 13.)

(Planning and Land Use Management Committee considered the above matter in Closed Session on January 19, 2010)

ADOPTED

MOTION (GARCETTI - KREKORIAN)

Recommendation for Council action:

REMAND the matter back to the East Los Angeles Area Planning Commission for a public hearing on the appeal.

Item for Which Public Hearing Has Been Held - Item 35

ITEM NO. (35) - ADOPTED

Roll Call #16 - Motion (Wesson - Parks) Adopted, Ayes (10); Absent: Alarcón, Huizar, Reyes, Smith and Zine (5)

[09-0702](#)

CONTINUED CONSIDERATION OF HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to approving a new Bond Finance Team and related actions.

Recommendations for Council action:

1. APPROVE the qualified list of eight firms (Consultants) below selected through the Los Angeles Housing Department's (LAHD) Bond Finance Team Request for Qualifications (RFQ) process, to be effective for a period of one year from the date of approval, with two one-year renewal options, subject to satisfactory Contractor performance and City needs:

<u>Service Area</u>	<u>Consultant Name</u>
Bond Underwriter	Red Market Capital, Inc
Bond Underwriter	Merchant Capital, LLC
Bond Underwriter	Citi
Bond Underwriter	Backstrom, McCarley, Berry & Co, LLC
Financial Advisor	CSG Advisors
Financial Advisor	First Southwest Company
Bond Trustee	US Bank
Bond Trustee	Wells Fargo

2. AUTHORIZE the General Manager, LAHD, or designee, to enter into all necessary agreements as needed to enable the Consultants to function as members of the Bond Finance Team.
3. INSTRUCT the LAHD to report back in 60 days on furthering efforts to outreach to local firms and provide technical assistance training to help them qualify for future Request for Proposals (RFP) and/or RFQs.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund. Approval of the recommendations would approve the selection of eight Consultants identified through the 2010 Bond Finance Team RFQ process and would authorize the LAHD to enter into necessary agreements with these consultants for a period of up to three years. The CAO further reports that the recommendations of this report are in compliance with City Financial Policies in that the full cost of these services will be paid through bond proceeds, program fee-income, and private funds provided by individual project sponsors. Any subsequent funding awards and term extensions will be subject to satisfactory Consultant performance and City needs.

Community Impact Statement: None submitted.

Item for Which Public Hearing Has Not Been Held - Item 36

(10 Votes Required for Consideration)

ITEM NO. (36) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #7 - Motion (Parks - Perry) Adopted, Ayes (12); Absent: Alarcón, Huizar and LaBonge (3)

10-0010-S9

CONTINUED CONSIDERATION OF MOTION (PARKS - PERRY) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Damien White on April 5, 2009.

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

1. PROVIDE an offer of reward in the amount of \$50,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Damien White on April 5, 2009.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

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

10-0149

MOTION (GARCETTI - PARKS for SMITH) relative to reporting to the Executive Employee Relations Committee (EERC) on any positions that have not been approved.

10-0150

MOTION (GARCETTI - PERRY - ZINE - ET AL.) relative to amending the Los Angeles Administrative Code (LAAC) to remove subsection 5.115.4(d).

08-0508-S4

CD 14

MOTION (ROSENDAHL for HUIZAR - CARDENAS) relative to an increase in the budget for the First Street Viaduct and Street Widening Project.

10-0011-S4

CD 10

MOTION (WESSON - PERRY) relative to funding for enhanced efforts for transit related projects, sidewalk projects, curb/sidewalk improvements, beautification projects needed to improve conditions for public transit patrons, and all expenses relating to incidental thereto, in Council District 10.

[10-0010-S10](#)

MOTION (PERRY - REYES) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Larry Woods on December 25, 2009.

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

[10-0148](#)

RESOLUTION (KORETZ - GARCETTI) relative to declaring January 31, 2010 as Rabbi Joel E. Rembaum Day in the City of Los Angeles.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon her request, and without objections, Councilmember Perry was excused to leave early from Council session of Tuesday, February 9, 2010 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

10-0004 - Tony Curtis	(Garcetti)
Roy Orbison	(Garcetti - LaBonge)
Daniel Kleban	(Garcetti)

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

10-0003 - Carol Ann Blad	(Koretz - Krekorian)
Larry "King" Maxey	(Wesson)

Ayes, Cárdenas, Hahn, Koretz, Krekorian, LaBonge, Parks, Perry, Rosendahl, Wesson, and President Garcetti (10); Absent: Alarcón, Huizar, Reyes, Smith and Zine (5)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL