

Los Angeles City Council, **Journal/Council Proceedings**
Friday, **August 6, 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: Alarcón, Cárdenas, Koretz, Krekorian, LaBonge, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (11); Absent: Hahn, Huizar, Parks and Smith (4)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
AUGUST 3, 2010

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 18

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 for Which Public Hearings Have Been Held - Items 1-8

ITEM NO. (1) - ADOPTED

Roll Call #4 - Adopted, Ayes (13); Absent: Huizar and Smith (2)

[10-0963](#)
CD 6

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCES FIRST CONSIDERATION relative to a General Plan Amendment, zone change, and Building Line Removal for property at 7918-46 North Lankershim Boulevard and 11650-64 West Strathern Street

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 10-0963 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2008-4745-MND] filed on May 8, 2009.

2. ADOPT the FINDINGS of the Planning and Land Use Management Committee as the Findings of the Council.
3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the City Planning Commission (CPC) APPROVING the proposed General Plan Amendment to the Sun Valley-La Tuna Canyon Community Plan by changing the land use designation of a portion of the project site and an Add Area at 7956 North Lankershim Boulevard from Low Density Residential to Neighborhood Commercial for the proposed construction of a new 60,000-square foot retail shopping center at 7918-46 North Lankershim Boulevard and 11650-64 West Strathern Street.

CPC-2008-4744-GPA-ZC-BL-ZV-CU-CUB-ZAA-SPR

Applicant: Lankershim Realty Group, LLC (Michael Laughlin, PSOMAS, Representative)

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, effecting a zone change from R1-1 to (T)(Q)C2-EZ-1VL and Height District Change for the property at 7918-46 North Lankershim Boulevard and 11650-64 West Strathern Street, subject to modified Conditions of Approval, as modified by the Planning and Land Use Management Committee and attached to Council file No. 10-0963.
5. PRESENT and ADOPT the accompanying ORDINANCES, approved by the CPC, effecting the removal of Building Lines on Strathern Street and Lankershim Boulevard established by Ordinance Nos. 100246 and 65118, respectively, for the property at 7918-46 North Lankershim Boulevard and 11650-64 West Strathern Street.
6. NOT PRESENT and ORDER FILED the ORDINANCE approved by the CPC on March 25, 2010.
7. REMOVE (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.
8. INSTRUCT the Planning Department to update the General Plan and appropriate maps pursuant to this action.
9. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
10. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
11. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - SEPTEMBER 2, 2010

(LAST DAY FOR COUNCIL ACTION - AUGUST 20, 2010)

ITEM NO. (2) - ADOPTED

Roll Call #6 - Adopted, Ayes (10); Absent: Cárdenas, LaBonge, Rosendahl, Smith and Zine (5)

[09-1858-S1](#)

ORDINANCE SECOND CONSIDERATION amending Section 21.30(a) of the Los Angeles Municipal Code to expand and extend the New Business Tax Exemption.

(Unanimous consent withheld, pursuant to Council Rule 39)

ITEM NO. (3) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #8 - to Adopt as Amended, Ayes (10); Absent: Cárdenas, LaBonge, Rosendahl, Smith and Zine (5)

[09-0648-S10](#)

CD 15

COMMUNICATION FROM THE COMMUNITY DEVELOPMENT DEPARTMENT relative to negotiation and execution of contracts with RSS Development for the development of the Lanzit Industrial Site.

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

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

ADOPTED, AS AMENDED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to negotiation and execution of contracts for the development of the Lanzit Industrial Site.

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

- 1. AUTHORIZE the Community Development Department (CDD) General Manager, or designee, to negotiate and execute:**
 - a. An Exclusive Right to Negotiate (ERN) Agreement for not more than 45 days, with the RSS Development, Inc. (Developer) for the ground lease and development of the Lanzit Industrial Site (Project), subject to the approval of the Department of General Services (GSD) and the review and approval of the City Attorney as to form and legality.**

- b. **A ground lease and development agreement (LDA) within 90 days of the expiration of the ERN with the Developer, subject to, but not limited to, the terms and conditions addressed in the CDD report dated June 16, 2010 on this matter (contained in the Council file), and subject to the approval of GSD and the review and approval of the City Attorney as to form and legality.**
 - c. **A promissory note and related documents with the U.S. Department of Housing and Urban Development (HUD Documents), in favor of HUD, for borrowing up to \$6 million pursuant to the Section 108 Loan Guarantee Program and receive \$950,000 of the Brownfield Economic Development Initiative (BEDI) grant, in order to provide financial assistance in funding the reasonable and eligible costs of the Project, subject to the review and approval of the City Attorney as to form and legality.**
 - d. **Amendments of the HUD Documents that may be necessary to carry out the intent of Mayor and Council actions relative to the Project, subject to the review and approval of the City Attorney as to form and legality.**
 - e. **A Section 108 Loan Agreement and related documents of up to \$6 million (Section 108 Loan Documents), to fund the reasonable and eligible costs of the Project, subject to: a) the Borrower's creation of an entity, acceptable to CDD and to the City Attorney as to form and legality, to serve as Guarantor for the subject Section 108 Loan; b) the Borrower providing necessary and sufficient documentation evidencing that least 60 percent of the Project is pre-leased; c) the review and approval of the City Attorney as to form and legality, and any necessary documents relative to the BEDI grant of \$950,000 and up to \$2.2 million of Community Development Block Grant (CDBG) American Recovery and Redevelopment funds with the Developer, and instruct the CDD to report to the Council if a BEDI Grant is awarded.**
 - f. **Amendments to the LDA, subject to GSD approval, and amendments to the loan agreement, including subordination of the Section 108 Loan Agreement to a construction or permanent private loan, to the extent that the intent of Mayor and Council actions relative to the Project are preserved, subject to the review and approval of the City Attorney as to form and legality.**
 - g. **A funding agreement with the Department of Public Works, Bureau of Engineering (BOE) to pay for the costs of mitigation of underground contamination for up to \$950,000 from the proceeds of the BEDI grant, subject to the approval of BOE and the City Attorney as to form and legality.**
- 2. AUTHORIZE the Controller to:**
- a. **Establish new Account No. F212 (Lanzit Industrial Site) and appropriate \$6,000,000 within the Section 108 Loan Fund No. 43F.**
 - b. **Establish new Account No. F212 (Lanzit Industrial Site) and appropriate \$950,000 within CDD - EDI/BEDI Grants Fund No. 47F.**

- c. Expend funds within Account No. F212 (Lanzit Industrial Site) in an amount not to exceed \$2,200,000 within Community Development Block Grant of the American Recovery and Reinvestment Act Fund No. 51N.
 - d. Expend funds upon proper demand of the CDD General Manager, or designee.
 - e. Make technical adjustments as necessary to reflect the intent of Mayor and Council action relative to the recommendations herein, subject to the approval of the City Administrative Officer (CAO), and authorize the Controller to implement the technical adjustments.
3. FIND that the Project and the Section 108 Loan meet National Objective, Eligible Activities and Public Benefit of the Federal Code of Regulations; and the Project is necessary and appropriate to accomplish the City's economic development objectives.
 4. APPROVE the Section 108 Loan consistent with the Project compliance with California Environmental Quality Act and National Environmental Policy Act.
 5. INSTRUCT CDD to report back to the Housing and Community Economic Development Committee on the status of the agreements summarized in these recommendations every 90 days until the ground lease is executed.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. The HUD approved a \$6 million in Section 108 Loan Guarantee funds and \$950,000 BEDI grant funds. The City also approved \$2.2 million as part of the CDBG - American Recovery and Reinvestment Act funds for a total of \$9.15 million for the Lanzit Industrial Site (Project). The Section 108 Loan will generate program income through a front-end fee of \$30,000 and is expected to generate a net spread over cost of funds of approximately \$45,000 per year for a 20-year period. The ground lease of the Project site will generate to the City an amount equal to 50 percent of the net operating income of the Project, after taxes and debt service, in the projected amount of about \$138,000 annually. The front-end fee, net spread over cost of funds and proceeds from the ground lease, will be a part of CDBG income. Collateral and debt service obligations on the Section 108 Loan are the sole responsibility of the Borrower and are secured by City liens on the project to prevent any impact on City grant resources. Section 108 Loan proceeds are ultimately guaranteed with future CDBG allocations to the City from HUD. The recommendations comply with the City Financial Policies in that loan proceeds are comprised entirely of federal funds and require no obligation of General Funds.

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (HAHN - WESSON)

Recommendations for Council action:

1. CHANGE Recommendation 1b to read as follows:

b. A ground lease and development agreement (LDA) within 180 ~~90~~ days of the expiration of the ERN with the Developer, subject to, but not limited to, the terms and conditions of addressed in the CDD report dated June 16, 2010 on this matter (contained in the Council file), in consultation with the Office of Council District 15 and subject to the approval of GSD and the review and approval of the City Attorney as to form and legality: and instruct CDD to report to Committee prior to the expiration of the above referenced 180 days with a status report and if additional time is needed.

2. INSTRUCT and AUTHORIZE the CDD to utilize CDBG-R (Recovery) funds for any further ground water remediation efforts relative to this project.

ITEM NO. (4) - NO ACTION

[10-1256](#)

CD 9

COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) and RESOLUTIONS relative to environmental review and CRA agreements with the Los Angeles Grand Avenue Authority, Grand Avenue L.A., LLC, and the Broad Collection to collectively provide for property dispositions and CRA investment in an amount not to exceed \$30 million towards the development of a museum and parking facility as part of the mixed-use Grand Avenue Project on CRA-owned Parcel L (221 South Grand Avenue) in the Bunker Hill Redevelopment Project Area.

Community Impact Statement: None submitted.

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

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

ITEM NO. (5) - ADOPTED - SEE FOLLOWING

Roll Call #9 - Adopted, Ayes (12); Absent: Cárdenas, LaBonge and Smith (3)

[10-1263](#)

CD 1

COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) relative to a funding agreement with the Los Angeles River Revitalization Corporation to provide CRA funds as working capital for the Los Angeles River Revitalization Corporation.

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

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

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a funding agreement with the Los Angeles River Revitalization Corporation (RRC) to provide Community Redevelopment Agency (CRA) funds as working capital for the RRC.

Recommendation for Council action:

AUTHORIZE the CRA Chief Executive Officer, or designee, to:

- a. Execute a funding agreement (Attachment A of the CRA report dated July 15, 2010) with the RRC to provide CRA funds as working capital for the RRC, subject to the review and approval of the City Attorney.
- b. Transfer \$700,000 from Citywide Non-Housing Los Angeles River budget to the RRC, in three installments, as working capital to allow it to implement revitalization efforts in the Los Angeles River corridor.
- c. Amend the CRA Fiscal Year 2010-11 budget to recognize an additional carryover of \$228,200 in Citywide Non-Housing funds to the Los Angeles River budget.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact to the General Fund. If the funding agreement is approved, the CRA will provide the RRC a total of \$700,000 in CRA General Revenue funds as working capital for the RRC. The City's Financial Policies are not applicable to the CRA. The CRA is bound only by the disclosure provisions of the City's Debt Management Policies.

Community Impact Statement: None submitted.

Roll Call #1 - Adopted, Ayes (11); Absent: Hahn, Huizar, Parks and Smith (4)
(Item Nos. 6-8)

ITEM NO. (6) - ADOPTED

[08-1849](#)
CD 9

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to authority to execute agreements for the rehabilitation and expansion of a manufacturing site at 6800 Avalon Boulevard.

Recommendations for Council action:

1. **AUTHORIZE** the Community Redevelopment Agency (CRA) Chief Executive Officer, or designee, to:
 - a. Execute an owner participation agreement with Avalon Park Plaza, LLC to provide financing not to exceed \$2 million for the rehabilitation and expansion of the industrial and manufacturing facilities located at 6800 Avalon Boulevard (Property), subject to approval by the City Attorney as to form.

- b. Execute a Pledge of Tax Increment with the City of Los Angeles, acting by and through its Community Development Department (CDD), for \$2 million toward development costs for the Property, subject to approval by the City Attorney as to form and legality.
 - c. Include the repayment of the Float Loan in the CRA Fiscal Year (FY) 2012-13 Budget and Work Program reflecting a Pledge of Tax Increment in the amount of \$2 million in tax increment funds from the CRA Recovery Redevelopment Project Council District Nine Corridors South of the Santa Monica Freeway Area, and transmit such Pledge to CDD. Execution of all ancillary documents is to be prepared by the City Attorney and the Council approval of the \$2 million in CRA project area tax increment funds will serve as a full guaranty for the benefit of securing repayment of the float loan to CDD at the 30-month expiration of the Community Development Block Grant (CDBG) Float Loan.
2. APPROVE the use of \$500,000 of FY 2010-11 AB 1290 funds from the Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project Area for construction and pre-development costs associated with the Avalon Park Plaza Project.
3. INSTRUCT the CRA to:
 - a. Amend the FY 2010-11 budget to allow for \$500,000 in AB 1290 from the Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project Area to be used for construction and pre-development financing for the Avalon Park Plaza Project.
 - b. Transfer the \$500,000 in FY 2010-11 AB 1290 from the Council District Nine Corridors South of the Santa Monica Freeway Recovery Redevelopment Project Area to the City to be disbursed by the CDD directly to the developer of Avalon Park Plaza.
4. ALLOCATE CDBG funds from the Neighborhood Facility Repairs Account Nos. V218, A218, C218, E218, F218, and G218 to fund the remaining gap for the Project and INSTRUCT CDD to execute the contract.
5. AUTHORIZE the Controller and CDD to make the necessary technical corrections, implement Controller instructions, and make any adjustments to finalize the reprogramming.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that there is no General Fund impact. The actions effectuate a previously-approved (Council file No. 08-1849-S1) \$2 million CDBG float loan to be used for eligible development costs for real property located at 6800 Avalon Boulevard in Los Angeles. The actions also provide authority for the CRA to execute a Pledge of Tax Increment with the CDD. The recommendations in the CAO report comply with the City's Financial Policies in that loan proceeds will be comprised entirely of grant funds and require no obligation of the General Fund. Collateral and repayment obligations are the sole responsibility of the CRA and are secured by a pledge of Areawide Tax Increment Funds for the full amount of the float loan. The CRA is bound only by the City Debt Management Policies; the City Financial Policies are not applicable to the CRA.

Community Impact Statement: None submitted.

ITEM NO. (7) - ADOPTED

[10-1096](#)

CDs 1 & 14

CATEGORICAL EXEMPTION, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to the transfer of AB 1290 funds to the Department of General Services (GSD) to implement a tree planting project.

Recommendations for Council action:

1. FIND that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15304 (b) of the Community Redevelopment Agency (CRA) CEQA Guideline.
2. ADOPT the accompanying JOINT FINDING OF BENEFIT RESOLUTION that authorizes the use of AB 1290 funds for the completion of a tree planting project on North Main Street in and adjacent to the Adelante Eastside Redevelopment Project Area.
3. AUTHORIZE the CRA Chief Executive Officer, or designee, to transfer Adelante Eastside Redevelopment Project Area AB 1290 funds in an amount not to exceed \$8,000 to the GSD through an existing cooperation agreement for the completion of a tree planting project on North Main Street in and adjacent to the Adelante Eastside Redevelopment Project Area.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no General Fund impact.

Community Impact Statement: None submitted.

ITEM NO. (8) - ADOPTED

[10-1184](#)

CD 9

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and COMMUNICATION FROM VICE CHAIR AND MEMBER, AD HOC COMMITTEE ON ECONOMIC RECOVERY AND REINVESTMENT relative to execution of agreements and other related actions regarding the Build Your Dreams (BYD) Project located at 1800 South Figueroa Street.

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

1. AUTHORIZE the Community Redevelopment Agency (CRA) Chief Executive Officer, or designee, to execute:
 - a. An agreement with Auto Center LLC (Owner) that allows the CRA to either assume the lease agreement between the Owner and BYD Motor, Inc (BYD) or pay a termination fee of \$2,396,332.50, reduced over 10 years based on an amortization schedule in the event that BYD defaults on its obligation to pay rent under its lease agreement with the Owner, and subject to the approval of the City Attorney as to form and legality.

- b. A conditional lease assignment, reimbursement and indemnity agreement with BYD and BYD (H.K.) Co., Ltd., (Company) that allows the CRA to assume the lease between BYD and the Owner and requires the Company to indemnify the CRA, reimburse or pay damages to the CRA in the event that the CRA must exercise its agreement with the Owner described in Recommendation One of the City Administrative Officer (CAO) report dated July 28, 2010, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the General Manager, Community Development Department (CDD) or designee, to negotiate and execute a City contract and related documents with BYD for Community Block Grant Development (CDBG) funding (CDBG Funding A) of up to \$1.6 million to pay for reasonable and eligible rehabilitation costs associated with the BYD Project (Project), and accept commitment from BYD for the creation of no fewer than 46 new, permanent full-time equivalent jobs as provided by the Code of Federal Regulations, subject to the approval of the City Attorney as to form and legality.
 3. APPROVE the negotiation and execution of a funding agreement and related documents, or an interdepartmental funding agreement, with the implementing public agency(s) for up to \$400,000 (CDBG Funding B) to pay for the reasonable and eligible cost of the renovation of public right-of-ways related to the Project, subject to the approval of the City Attorney as to form and legality.
 4. AUTHORIZE the Controller to expend funds in an amount not to exceed \$2 million in CDBG and CDBG American Recovery and Reinvestment Act (CDBG-R) funds as follows:

<u>Fund</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
424	G710	BYD Headquarters Project	1,000,000
51N	G710	BYD Headquarters Project	1,000,000
 5. FIND that the Project meets National Objective, Eligible Activities, Public Benefit and all provisions of the Code of Federal Regulations for both the CDBG and CDBG-R as provided in the CAO report; and the Project is necessary and appropriate to accomplish the City's economic development objectives.
 6. APPROVE the CDBG Funding A and B awards, subject to the compliance of Project environmental assessments with the California Environmental Quality Act and National Environmental Policy Act.
 7. INSTRUCT the Public Works Bureau of Street Services to report back to Mayor and Council upon completion of the Project in approximately February 2011 with an estimate of ongoing maintenance costs relative to public right-of-way improvements made for the Project and impact, if any, on staffing needs.
 8. AUTHORIZE the General Manager, CDD or designee, to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the approval of the CAO, and AUTHORIZE the Controller to implement these instructions.
 9. INSERT clauses/language in the Community Development Block Grant contract between BYD and CDD to require the following items:

- a. Require BYD to make the best faith effort to hire City of Los Angeles residents and utilize apprentices for at least 30 percent of the construction jobs related to the rehabilitation of the building located at 1800 South Figueroa Street. Instruct the CDD to work with BYD on this effort by having them work with local worksource centers and other community based organizations like PV Jobs, YWCA Job Core and the Coalition for Responsible Community Development. Instruct the CDD to monitor hiring efforts and instruct CDD to report back to HCED in 90 days on the hiring efforts for construction jobs.
- b. Require BYD to make the best faith effort to hire City of Los Angeles residents for at least 51 percent of the permanent jobs related to the operation of the headquarters at 1800 South Figueroa Street. Instruct the CDD to work with BYD on this effort by having them work with local worksource centers and other community based organizations like PV Jobs, YWCA Job Core and the Coalition for Responsible Community Development. Instruct the CDD to monitor hiring efforts and instruct the CDD to report back to HCED in one year relative to the permanent jobs.
- c. Require BYD to make the best faith effort to locate the assembly, distribution and logistics facilities in Los Angeles if BYD decides to pursue phases two and three.

10. INSTRUCT the CRA to:

- a. Return to Council for authorization before expending any general revenue funds. If CRA assumes the lease or is obligated to make any payment, the CRA must return to Council for authorization.
- b. Include the appropriate staff from the Council District Nine Corridors Redevelopment Project Area in order to better coordinate efforts on Auto Row, Washington Boulevard and the Figueroa Corridor.
- c. Report back to Housing, Community and Economic Development Committee in 30 days on other projects that have been provided a contingent liability and/or financial guarantee and if they were exempted from CRA policies.

Fiscal Impact Statement: The CAO reports that there is no known impact to the General Fund at this time. Identified funding sources for the BYD Project include \$1 million in CDBG funds and \$1 million in CDBG-R funds. No source of funding has been identified for ongoing costs associated with renovation of public right-of-ways associated with the Project; however, a report-back from the Public Works Bureau of Street Services regarding these costs is recommended.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 9-14

(10 Votes Required for Consideration)

ITEM NO. (9) - ADOPTED

Roll Call #4 - Adopted, Ayes (13); Absent: Huizar and Smith (2)

[09-2057](#)

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to extend the time of certain subdivision map approvals and associated discretionary approvals.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 09-2057 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Negative Declaration [ENV-2009-2562-ND] filed on August 14, 2009.
2. ADOPT the May 28, 2010 FINDINGS of the Director of Planning as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the City Planning Commission, amending Sections 17.07 and 17.56 of Article 7, Chapter 1 of the LAMC to extend the time of certain subdivision map approvals and associated discretionary approvals.
CPC-2009-2561-CA

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.

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

URGENCY CLAUSE - 12 VOTES REQUIRED

ITEM NO. (10) - ADOPTED

**Roll Call #3 - Adopted, Ayes (11); Absent: Hahn, Huizar, Parks and Smith (4)
(Item Nos. 10a-10p)**

[10-0005-S565](#)

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 July 30, 2010:

[10-0005-S565](#)

CD 9

- a. Property at 108 West 54th Street A.K.A. 110 West 54th Street (Case No. 7231).
Assessor I.D. No. 5101-031-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S566](#)

CD 9

- b. Property at 108 West 54th Street A.K.A. 110 West 54th Street (Case No. 168213).
Assessor I.D. No. 5101-031-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S567](#)

CD 9

- c. Property at 108 West 54th Street A.K.A. 110 West 54th Street (Case No. 243185).
Assessor I.D. No. 5101-031-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S568](#)

CD 13

- d. Property at 419 North Westlake Avenue (Case No. 154287).
Assessor I.D. No. 5157-024-004

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S569](#)

CD 1

- e. Property at 972 South Hoover Street (Case No. 256239).
Assessor I.D. No. 5136-003-008

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S570](#)

CD 10

- f. Property at 2910 South Palm Grove Avenue A.K.A. 2910 1/2 South Palm Grove Avenue (Case No. 251673).
Assessor I.D. No. 5057-025-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S571](#)

CD 14

- g. Property at 1103 North Evergreen Avenue A.K.A. 1101 North Evergreen Avenue (Case No. 244867).
Assessor I.D. No. 5177-009-022

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S572](#)

CD 14

- h. Property at 3115 East Blanchard Street (Case No. 249580).
Assessor I.D. No. 5178-004-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S573](#)

CD 14

- i. Property at 3420 East Fifth Street A.K.A. 3424 1/2 East Fifth Street (Case No. 17005).
Assessor I.D. No. 5186-013-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S574](#)

CD 8

- j. Property at 5310 South Denker Avenue (Case No. 6305).
Assessor I.D. No. 5003-015-032

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S575](#)

CD 1

- k. Property at 2223 West 14th Street (Case No. 246041).
Assessor I.D. No. 5056-004-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S576](#)

CD 2

- l. Property at 6057 North Hazelhurst Place (Case No. 211177).
Assessor I.D. No. 2334-014-052

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S577](#)

CD 13

- m. Property at 1671 North Western Avenue A.K.A. 1673 North Western Avenue (Case No. 265412).
Assessor I.D. No. 5544-025-033

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S578](#)

CD 4

- n. Property at 1851 North Ivar Avenue (Case No. 288059).
Assessor I.D. No. 5546-002-008

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S579](#)

CD 9

- o. Property at 133 East 54th Street A.K.A. 135 East 54th Street (Case No. 253064).
Assessor I.D. No. 5101-012-022

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

[10-0005-S580](#)

CD 1

- p. Property at 2606 North Vallejo Street (Case No. 195185).
Assessor I.D. No. 5204-009-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 23, 2006)

ITEM NO. (11) - CONTINUED TO SEPTEMBER 7, 2010

Roll Call #2 - Adopted to Continue, Unanimous Vote (11); Absent: Hahn, Huizar, Parks and Smith (4)

[09-3045-S2](#)

CONTINUED CONSIDERATION OF MOTION (PERRY - PARKS - GARCETTI) relative to paying outstanding invoices to PA Consulting regarding analysis and support services associated with the independent third party fiscal review of the Los Angeles Department of Water and Power's (LADWP) Energy Cost Adjustment Factor cap modification and related matters.

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

1. AUTHORIZE the Chief Legislative Analyst to immediately pay outstanding invoices to PA Consulting, up to \$600,000, associated with Amendment No. 1 (Council file No. 09-3045), relative to analysis and support services associated with the independent third party fiscal review of the LADWP's Energy Cost Adjustment Factor cap modification and related matters.
2. TRANSFER \$600,000 from the Water and Electricity Fund No. 100/60 to the Council Fund No. 100/28, Account No. 3040 (Contractual Services).
3. INSTRUCT the Department of General Services to withhold payment of electric utility billings in the amount of \$600,000 to the LADWP until payment of services associated with Amendment No. 1, of the PA Consulting contract, are reconciled with the City Council.

(Continued from Council meeting of July 27, 2010)

Roll Call #3 - Adopted, Ayes (11); Absent: Hahn, Huizar, Parks and Smith (4)
(Item Nos. 12-13)

ITEM NO. (12) - ADOPTED

[10-1363](#)

CD 8

MOTION (PARKS - PERRY) relative to funding for increased support of police and community activities in Council District Eight.

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

1. TRANSFER \$20,000 from the Council District Eight portion of the Council Fund No. 100/28 to the Council District Eight Public Benefits Trust Fund No. 49F/14, for increased support of police and community activities in Council District Eight.
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. (13) - ADOPTED

[10-0010-S5](#)

MOTION (CARDENAS - KREKORIAN) relative to offer(s) of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the various crimes perpetrated by gang members, listed on the Council file.

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

1. PROVIDE offer(s) of reward in the amount of \$50,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the various crimes perpetrated by gang members, listed on the Council file.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

ITEM NO. (14) - ADOPTED

Roll Call #10 - Adopted, Ayes (12); Absent: Cárdenas, LaBonge and Smith (3)

[10-1365](#)

MOTION (PARKS - PERRY) relative to requesting the City Attorney to report on the status of the litigation entitled Ardon v. City of Los Angeles, and other related telephone users tax matters.

Recommendations for Council action:

1. REQUEST the City Attorney to report to the Council in a closed session meeting on the status of the litigation entitled Ardon v. City of Los Angeles, and other related telephone users tax matters.
2. INSTRUCT the City Clerk to place this item on the Council Agenda for AUGUST 11, 2010.

Items for Which Public Hearings Have Been Held - Items 15-16

ITEM NO. (15) - ADOPTED

Roll Call #5 - Adopted, Ayes (13); Absent: LaBonge and Smith (2)

[09-1914-S1](#)

CONTINUED CONSIDERATION OF JOBS AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to a Request for Proposals (RFP) for an economic study to determine the fiscal impact of certain recommendations of the Business Tax Advisory Committee (BTAC) relative to City of Los Angeles business tax issues.

Recommendations for Council action:

1. APPROVE the attached RFP submitted by the Office of Finance to seek proposals for an economic study to determine the fiscal impact of certain BTAC recommendations relative to City of Los Angeles business tax issues, and AUTHORIZE the Office of Finance to make any technical changes to the RFP as may be required.
2. URGE the BTAC to work with the Chair of the Budget and Finance Committee and with Councilmember Garcetti, who originally proposed the Office of Economic Analysis, on the development of this matter and identification of funding to fund the resulting contract.

Fiscal Impact Statement: None submitted.

Community Impact Statement: None submitted.

ITEM NO. (16) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #7 - to Adopt as Amended, Ayes (10); Absent: Cárdenas, LaBonge, Rosendahl, Smith and Zine (5)

[09-1914-S2](#)

CONTINUED CONSIDERATION OF JOBS AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to a set of principles for the Office of Finance to follow in order to provide consistency in dealing with taxpayers.

Recommendation for Council action:

ADOPT the principles contained in the document submitted by the Business Tax Advisory Committee (BTAC), attached to Council file, which shall be referred to as the "~~Commitment to Taxpayers~~", **The Office of Finance Taxpayer Bill of Rights**" (*Garcetti - Alarcon), and REQUEST the BTAC and City staff to look at the ability to call the document "The Office of Finance Taxpayer Bill of Rights" if objections to legal concerns can be addressed, and REQUEST the BTAC to work with the Office of Finance and the City Attorney for further refinements to these principles.

Fiscal Impact Statement: None submitted.

Community Impact Statement: None submitted.

(Continued from Council meeting of August 4, 2010)

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

10-1424

MOTION (ZINE - ROSENDAHL) relative to installing street banners announcing the Louisville High School's 50th Jubilee Celebration from September 18, 2010 until June 2011.

10-1425

MOTION (PERRY - REYES) relative to installing street banners announcing the Ameriprise Event at the Los Angeles Convention Center from August 12-15, 2010.

10-1426

MOTION (PERRY - REYES) relative to installing street banners announcing the American Society of Association Executives (ASAE) & Center for Association Leadership event at the Los Angeles Convention Center on August 21-24, 2010.

10-1418

MOTION (PERRY - REYES) relative to funding for services in connection with the August 13, 2010, Council District Nine reception for the Prime Minister of Belize in the City Hall Rotunda.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Smith was excused to leave at 2:00 p.m. from Council Session of Wednesday, September 8, 2010 due to City Business.

Upon his request, and without objections, Councilmember Wesson was excused to arrive at 11:30 a.m. to Council Session of Tuesday, September 21, 2010 due to City Business.

Upon his request, and without objections, Councilmember Koretz was excused to from Council Sessions of Wednesday, September 22, 2010 and Friday, September 24, 2010 both due to City Business.

Upon his request, and without objections, Councilmember Cárdenas was excused from Council Sessions of Tuesday, October 5, 2010 and Wednesday, October 6, 2010 both due to City Business.

Upon her request, and without objections, Councilmember Perry was excused from Council Session of Tuesday, October 19, 2010 due to City Business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

10-0004-S2 - Bernard Anderson

Zine - All Councilmembers

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

[10-0003-S2](#) - Hang Wan Ma

Huizar - Reyes

Ayes, Alarcón, Hahn, Huizar, Koretz, Krekorian, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (12); Absent: Cárdenas, LaBonge and Smith (3)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL