Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **February 6, 2013**  
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, Buscaino, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Rosendahl, Zine and President Wesson (11); Absent: Garcetti, Perry and Reyes (3); Vacant: Council District Six

**APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 1, 2013**

**COMMENDATORY RESOLUTIONS AND INTRODUCTIONS** - SEE PAGE 15

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

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**Items Noticed for Public Hearing - Items 1-2**

**ITEM NO. (1) - PUBLIC HEARING CLOSED - LIEN CONFIRMED - SEE FOLLOWING**

**12-1246 et al.**

CONTINUED CONSIDERATION OF HEARING PROTESTS, APPEALS OR OBJECTIONS to Department of Building and Safety report and confirmation of lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to Los Angeles Municipal Code (LAMC) and/or Los Angeles Administrative Code (LAAC).

Recommendation for Council action:

HEAR PROTESTS, APPEALS OR OBJECTIONS relative to proposed lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to LAMC and/or LAAC and CONFIRM said lien for the following properties:

Adopted to Confirm Lien, Ayes (11); Absent: GARCETTI, PERRY, REYES (3) (Item Nos. 1a-1b)

**12-1246 CD 1**

a. 1151 East Montecito Drive. (Lien: $4,897.23)
HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for on-site consumption at YD Music Store.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at YD Music Store karaoke music studio located at 3607 West 6th Street, Los Angeles, 90020, will serve the “Public Convenience or Necessity” and will not tend to create a law enforcement problem.

2. GRANT the Application for Determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for on-site consumption at 3607 West 6th Street.

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

Applicant: Hyung IL and Judy Cho (Dante Charleston, representative)

90TH DAY AND TIME LIMIT FILE - APRIL 4, 2013

(LAST DAY FOR COUNCIL ACTION - APRIL 3, 2013)

Items for Which Public Hearings Have Been Held - Items 3-12

Adopted, Ayes (12); Absent: GARCETTI, REYES (2)
(Item Nos. 3-6)

ITEM NO. (3) - ADOPTED

CATEGORICAL EXEMPTION and ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to authorizing the sale of Bishop Nursery, a surplus City-owned real property.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
1. PRESENT and ADOPT the accompanying ORDINANCE approving a Resolution of the Board of Water and Power Commissioners for the sale of surplus real property.

2. FIND that the Resolution of the Board of Water and Power Commissioners for the sale of Bishop Nursery, a surplus City-owned real property, is categorically exempt pursuant to Article III, Class 12, of the California Environmental Quality Act (CEQA) guidelines, and is further exempt under 14 California Administrative Code, Section 15312 (Class 12) Surplus Government Property Sales.

3. CONCUR with the Board of Water and Power Commissioners’ (Board) action of September 18, 2012, Resolution No. 013-062, authorizing the sale of Bishop Nursery, a surplus City-owned real property located at 789 Home Street, City of Bishop, Inyo County, California.

Fiscal Impact Statement: The City Administrative Officer reports that the proposed action will have no impact on the City’s General Fund. Approval of the proposed resolution may result in a yet to be determined amount of revenue to the Water Revenue Fund. Since the Los Angeles Department of Water and Power is bound only by the City Debt Management Policies, the City Financial Policies are not applicable.

Community Impact Statement: None submitted.

ITEM NO. (4) - ADOPTED

12-1653

GENERAL EXEMPTION and ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to approving the Facility Transfer and Release Agreement between the Los Angeles Department of Water and Power (LADWP) and Southern California Edison Company (SCE) for the Sylmar Converter Station (SCS) - West Building.

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

1. PRESENT and ADOPT the accompanying ORDINANCE approving the Facility Transfer and Release Agreement between the LADWP and SCE (DWP No. BP12-002).

2. FIND that the activity in question will not have a significant effect on the environment and that the approval of the Facility Transfer and Release Agreement between the LADWP and SCE is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the General Exemption described in CEQA Guidelines Section 15061(b)(3).

3. CONCUR with the Board of Water and Power Commissioners’ (Board) action of October 16, 2012, Resolution No. 013-083, authorizing the execution of the Facility Transfer and Release Agreement between the LADWP and SCE for the SCS - West Building (LADWP No. BP12-002).

Fiscal Impact Statement: The City Administrative Officer reports that the proposed action will have no impact on the City’s General Fund. The LADWP Power Revenue Fund shall credit SCE $2,250,000 towards SCE’s remaining financial responsibility of the SCS Replacement Project final cost.

Community Impact Statement: None submitted.
ITEM NO. (5) - ADOPTED

12-1655

GENERAL EXEMPTION and ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to ratifying the Glendale - Los Angeles Department of Water and Power (LADWP) Air Way Interconnection Agreement, LADWP No. 10323 and its Amendments No.1 (1990) and No. 2 (1999), between the City of Glendale and LADWP, and approving Amendment No.3 to the Agreement between the City of Glendale and LADWP.

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

1. PRESENT and ADOPT the accompanying ORDINANCE ratifying the Glendale-LADWP Air Way Interconnection Agreement, DWP No. 10323 (1986) and its Amendments No.1 (1990) and No. 2 (1999), between the City of Glendale and the LADWP, and approving Amendment No. 3 to the Agreement between the City of Glendale and the LADWP.

2. FIND that the activity in question will not have a significant effect on the environment and that the amendment and ratification of the Glendale - LADWP Air Way Interconnection Agreement between the LADWP and City of Glendale is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the General Exemption described in CEQA Guidelines Section 15061(b)(3).

3. CONCUR with the Board of Water and Power Commissioners’ (Board) action of October 16, 2012, Resolution No. 013-094, authorizing the execution of Amendment No. 3 to Agreement No. 10323 for ratification of the Glendale - LADWP Air Way Interconnection Agreement.

Fiscal Impact Statement: The City Administrative Officer reports that the proposed action will have no impact on the City’s General Fund.

Community Impact Statement: None submitted.

ITEM NO. (6) - ADOPTED

12-1765
CD 3

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change at 18837 West Topham 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 City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 12-1765 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-2012-882-MND] filed on July 12, 2012.
2. ADOPT the FINDINGS of the South Valley Area Planning Commission (SVAPC) as the Findings of the Council.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the SVAPC, effecting a zone change from RA-1-K to (T)(Q)RD3-1-K for the demolition of a single family dwelling and subsequent construction of four new single family dwellings each two stories in height on an approximately 12,737 square foot lot for property at 18837 West Topham Street, subject to Conditions of Approval.

   Applicant: FM Construction and Engineering
   Representative: Leonard Yaghoobi

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.

5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

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

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

   Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 6, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 6, 2013)

ITEM NO. (7) - ADOPTED

Adopted, Ayes (12); Absent: GARCETTI, REYES (2)

13-0056

BUDGET AND FINANCE COMMITTEE REPORT relative to the feasibility of divesting City funds which may be currently invested in certain gun and ammunition manufacturers.

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

DIRECT the Office of Finance, the City's three pension fund systems and any other City investment entity, and, in coordination with the City Administrative Officer (CAO), to report on the feasibility of and with recommendations to begin divestment of any of the City's funds which may be currently invested
in companies/corporations that produce, manufacture, sell, or market assault weapons, high volume ammunition magazines, high caliber ammunition and related equipment of a type used to perpetrate the tragic loss of life that occurred in Connecticut last month as well in similar other incidents involving assault weapons and mass casualties.

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

Community Impact Statement: None submitted.

Adopted, Ayes (11); Absent: GARCETTI, PERRY, REYES (3) (Item Nos. 8-12)

ITEM NO (8) - ADOPTED

12-1906

GENERAL EXEMPTION and ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to proposed Amendment No. 1 to Agreement No. 47909 with 3Di Incorporated for internet website upgrade redesign.

Recommendations for Council action:

1. FIND that the activity in question will not have a significant effect on the environment and that the amendment to the agreement between the Los Angeles Department of Water and Power (LADWP) and 3Di Incorporated for internet website upgrade is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the General Exemption described in CEQA Guidelines Section 15061(b)(3).

2. CONCUR with the Board of Water and Power Commissioners’ (Board) action of December 4, 2012, Resolution No. 013-140, authorizing the execution of Amendment No. 1 to Agreement No. 47909 with 3Di Incorporated for internet website upgrade redesign. The amendment will increase the agreement by $2 million and extend the term by three years.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 11, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 8, 2013)

ITEM NO. (9) - ADOPTED

12-1927

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the contract between the City and Inflection Point Solutions, Inc. for the software maintenance and enhancement support for the Pretreatment Information Management System.
Recommendations for Council action:

1. INSTRUCT the Bureau of Sanitation to remove the Cost Reimbursement Plus Profit and Hourly Billing Rate basis forms of payment for this contract.

2. AUTHORIZE the Board of Public Works to execute the proposed six-year contract with Inflection Point Solutions, LLC, upon removal of the Cost Reimbursement Plus Profit and Hourly Billing Rate basis forms of payment.

Fiscal Impact Statement: The City Administrative Officer reports that there is no General Fund impact associated with this action. Funding for the first year costs of $462,500 is available in Fund 760, Department 50, Account 50H082, Object 304, titled "Contractual Services". The remaining balance of $1,137,500 will be funded through the normal budgetary process. This contract includes a "Financial Liability Clause" which states that the City's liability under this contract shall only be to the extent of the present City appropriation to fund the contract. However, if the City shall appropriate funds for any succeeding years, the City's liability shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract.

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 11, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 8, 2013)

ITEM NO. (10) - ADOPTED

12-0049

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to transition of the housing assets and functions from the former Community Redevelopment Agency/Los Angeles (CRA/LA) to the Los Angeles Housing Department, and related actions.

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

1. APPROVE the addition of the following nine resolution authorities through June 30, 2013, subject to review and approval by the Personnel Department as to classification, the City Administrative Officer (CAO) Employee Relations Division as to pay grade determination, the Managed Hiring Committee, and approval by the California Department of Finance (DOF) regarding the transfer of housing assets:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Housing Programs Manager</td>
<td>1</td>
</tr>
<tr>
<td>Finance Development Officer II</td>
<td>1</td>
</tr>
<tr>
<td>Finance Development Officer I</td>
<td>1</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Accountant II</td>
<td>2</td>
</tr>
<tr>
<td>Senior Clerk Typist</td>
<td>2</td>
</tr>
<tr>
<td>Programmer Analyst V</td>
<td>1</td>
</tr>
</tbody>
</table>
2. APPROVE the addition of the following five resolution authorities through June 30, 2013, and exempt them from civil service provisions, subject to review and approval by the Personnel Department as to classification, the CAO Employee Relations Division as to pay grade determination, the Managed Hiring Committee, and approval by the DOF regarding the transfer of housing assets:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Project Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>4</td>
</tr>
</tbody>
</table>

3. AUTHORIZE the Controller to:

a. Establish a new interest-bearing Fund xxx titled "Low and Moderate Income Housing Fund," and new Accounts within Fund xxx for 2012-13 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>43J143</td>
<td>Housing</td>
<td>$435,000</td>
</tr>
<tr>
<td>43J299</td>
<td>Related Costs</td>
<td></td>
</tr>
<tr>
<td>43J112</td>
<td>City Attorney</td>
<td>$40,000</td>
</tr>
<tr>
<td>43J411</td>
<td>Unallocated</td>
<td>$25,000</td>
</tr>
<tr>
<td>43J412</td>
<td>Service</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

b. Provide five months of interim funding in the amount of $750,000 for the requested position authorities and request the Controller to transfer the funds from the Housing Projection Revolving Fund No. 240 to Fund xxxf43, Low and Moderate Income Housing Fund, in the following accounts and amounts:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>43J143</td>
<td>Housing</td>
<td>$435,000</td>
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<td>Unallocated</td>
<td>$25,000</td>
</tr>
<tr>
<td>43J412</td>
<td>Service</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

Total: $750,000

c. Expend funds in an amount not to exceed $750,000 from the Fund and Accounts in Recommendation No. 3b above upon proper written demand from the General Manager, LAHD, or designee.

d. Increase appropriations in Fund 100/43 in Fiscal Year 2012-13 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001010</td>
<td>Salaries, General</td>
<td>$380,000</td>
</tr>
<tr>
<td>003310</td>
<td>Transportation</td>
<td>$5,000</td>
</tr>
<tr>
<td>006010</td>
<td>Office &amp; Administrative</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Total: $435,000

e. Expend funds in an amount not to exceed $435,000 from the Fund and Accounts in Recommendation No. 3d above upon proper written demand from the General Manager, LAHD, or designee.
f. Increase appropriations in Fund 100/12, City Attorney, in Fiscal Year 2012-13 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001010</td>
<td>Salaries, General</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

4. INSTRUCT the General Manager, LAHD, or designee, to:

a. Reimburse the General Fund for Related Costs incurred in 2012-13 once the Residual Receipts are received.

b. Negotiate and execute the Third Amendment to Contract No. C-118528 with Urban Futures, Inc. to increase compensation in an amount not to exceed $400,000 to conduct occupancy monitoring functions based on the proposed Housing Asset Transfer Agreement, subject to compliance with the City's contracting requirements, approval by the City Attorney as to form, and approval by the DOF of the Housing Asset Transfer Agreement and Asset List.

c. Negotiate and execute the First Amendment to Contract No. C-121127 with AmeriNational Community Services, Inc. to increase compensation in an amount not to exceed $50,000 to service amortizing loans based on the proposed Housing Asset Transfer Agreement, subject to compliance with the City's contracting requirements, approval by the City Attorney as to form, and approval by the DOF of the Housing Asset Transfer Agreement and Asset List.

d. Negotiate and execute the Second Amendment Contract No. C-120169 with Rydek Computer Professionals to increase compensation in an amount not to exceed $160,000 to provide programming services to enhance current LAHD systems to manage the former CRA/LA housing assets that are included in the proposed Housing Transfer Agreement, subject to compliance with the City's contracting requirements, approval by the City Attorney as to form, and approval by the DOF of the Housing Asset Transfer Agreement and Asset List.

e. Negotiate and execute a contract in an amount not to exceed $150,000 with a consultant auditor via the Controller's Audit Assistance Master Service Agreement to conduct auditing and accounting functions based on the proposed Housing Asset Transfer Agreement, for a term of one year from the date of execution, subject to compliance with the City's contracting requirements, approval by the City Attorney as to form, and approval by the DOF of the Housing Asset Transfer Agreement and Asset List.

f. Issue a Request for Proposals (RFP) to select a document and records management contractor in an amount not to exceed $115,000 to provide document management services based on the proposed Housing Transfer Agreement and report back to the Council and Mayor regarding the selection, or work with the Los Angeles Department of Building and Safety (LADBS) to determine whether or not it would be feasible to use the current LADBS contract for document management services.

g. Prepare Controller instructions and make any necessary technical adjustments consistent with the Mayor and Council actions, including receipts, appropriation of funds received from interest earned, repayment from borrowers of portfolios that will be transferred from the former CRA/LA, and reimbursements to other funds, subject to the approval of the CAO.
5. INSTRUCT the LAHD, the CAO, and the CLA to report to Council with revised recommendations to this report in the event that significant changes are made to the Housing Asset List:

Fiscal Impact Statement: The CAO reports that if the recommendations in this report are adopted, there is no impact to the General Fund. However, there is an impact of at least $750,000 to the Housing Production Revolving Fund (HPRF) No. 240 to pay for staff, contracts and expenses associated with the transfer of the housing assets from the former CRA/LA to the LAHD. This amount does not include Related Costs, which will be paid from the Residual Receipts once they are received. In addition, the LAHD will reimburse the HPRF with Residual Receipts payments and other sources of funding that will available as a result of the housing assets transfer. The recommendations in this report comply with City Financial Policies in that ongoing funding for the proposed additional work program and resources will be provided temporarily by the HPRF and long-term by Residual Receipts payments. Any funding issues regarding support of this work program will be addressed in the Financial Status Reports.

Community Impact Statement: None submitted.

(Personnel and Animal Welfare Committee waived consideration of the above matter)

ITEM NO. (11) - ADOPTED

11-1828-S1

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT relative to streamlining procedures related to City employee travel to Sacramento and Washington, D.C.

Recommendation for Council action, as initiated by Motion (Wesson - LaBonge):

REQUEST the City Attorney to prepare an ordinance to amend Section 4.242.9 of the Administrative Code to make a technical clarification to streamline clerical processing of documents related to City employee travel to Sacramento and Washington, D.C.

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. (12) - ADOPTED

13-0049

CATEGORICAL EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to proposed First Amendments to Permit Nos. 804, 806, 807, and 808 with Pacific Yacht Landing, Yacht Haven Marina, Inc., Yacht Centre, Inc., and Holiday Harbors-Wilmington, respectively.

Recommendations for Council action:
1. ADOPT the determination by the Los Angeles Harbor Department that the proposed action is exempt under the California Environmental Quality Act (CEQA) as provided in Article III, Class 1 (14) of the Los Angeles City CEQA Guidelines.

2. APPROVE the First Amendments to Permit Nos. 804, 806, 807, and 808 with Pacific Yacht landing, Yacht Haven Marina, Inc., Yacht Centre, Inc., and Holiday Harbors-Wilmington, respectively.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed First Amendment to the four Permits at the marinas of Pacific Yacht Landing, Yacht Haven Marina Inc., Yacht Centre Inc., and Holiday Harbors-Wilmington, will have no overall financial impact to the Harbor Department Revenue Fund. The aggregate income will remain the same because any increased tenancy and revenue at the four marinas will be off-set by the displacement of the tenants from the closed marina. There is no impact on the City General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 9, 2013  
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 8, 2013)

Items for Which Public Hearings Have Not Been Held - Items 13-14  
(10 Votes Required for Consideration)

ITEM NO. (13) - ADOPTED SUBSTITUTE ORDINANCE IN LIEU OF ORIGINAL ORDINANCE - SEE FOLLOWING

Adopted Substitute Ordinance, Ayes (12); Absent: GARCETTI, REYES (2)

11-1828-S1  
COMMUNICATION FROM CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to notification procedures for employees of the City Council or Mayor traveling on official City business to Sacramento or Washington, D.C.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Subsection (b) of Section 4.242.9 of Article 4 of Chapter 5 of Division 4 of the Los Angeles Administrative Code to exempt employees of the City Council or Mayor from having to notify certain City officials prior to traveling on official City business to Sacramento or Washington, D.C.

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.

(Rules, Elections and Intergovernmental Relations Committee waived consideration of the above matter)
ADOPTED

MOTION (WESSION - LABONGE)

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

PRESENT and ADOPT the attached ORDINANCE to amend Section 4.242.9 of the Administrative Code to make a technical clarification which will streamline clerical processing of documents relative to City employee travel to Sacramento and Washington, D.C.

ITEM NO. (14) - ADPOPTED

Adopted, Ayes (12); Absent: GARCETTI, REYES (2)

13-0118
CD 3

MOTION (ZINE - ROSENDAL) relative to funding for a sidewalk repair project in Council District Three.

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

1. TRANSFER/APPROPRIATE $900,000 in the AB1290 Fund No. 53P, Account No. 281203 (CD 3 Redevelopment Projects - Services) and $100,000 in the Council District Three portion of the Council Fund 100/28, Account No. 1010 (Salaries - General) to the Building and Safety Fund No. 100/86 as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001010</td>
<td>Salaries, General</td>
<td>$400,000</td>
</tr>
<tr>
<td>001090</td>
<td>Salaries, Overtime</td>
<td>200,000</td>
</tr>
<tr>
<td>003030</td>
<td>Construction Expense</td>
<td>150,000</td>
</tr>
<tr>
<td>003040</td>
<td>Contractual Services</td>
<td>80,000</td>
</tr>
<tr>
<td>006010</td>
<td>Office &amp; Administrative Expense</td>
<td>20,000</td>
</tr>
<tr>
<td>006020</td>
<td>Operating Supplies &amp; Expense</td>
<td>150,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

2. AUTHORIZE the Bureau of Street Services to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of this Motion.
Item Noticed for Public Hearing - Item 15

ITEM NO. (15) - ADOPTED SUBSTITUTE MOTION IN LIEU OF ORIGINAL - SEE FOLLOWING

Substitute Motion adopted, Ayes (11); Absent: GARCETTI, PERRY, REYES (3)

CONTINUED CONSIDERATION OF HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for off-site consumption at Fresh & Easy - Express grocery store.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at Fresh & Easy - Express grocery store located at 3183 Wilshire Boulevard, Unit No. 173, Los Angeles, 90010, 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 3183 Wilshire Boulevard, Unit No. 173.

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: Fresh & Easy - Neighborhood Market, c/o Adam Mayfield (Jose Gomez, Adolph Ziemba AIA, and Associates, Inc., Representative)

TIME LIMIT FILE - FEBRUARY 7, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 6, 2013)

ADOPTED

SUBSTITUTE MOTION (WESSON - ALARCON)

Recommendations for Council action:

1. DENY the application for a finding of “Public Convenience or Necessity” to issue a new liquor license to sell beer and wine for off-site consumption to Fresh & Easy Express at 3138 Wilshire Boulevard, Unit 173, Los Angeles, 90010, based upon the findings below.

2. FIND that the “Public Convenience or Necessity” WILL NOT be served by issuing a license to sell beer and wine for off-site consumption to Fresh & Easy Express at 138 Wilshire Boulevard, Unit No. 173, Los Angeles, 90010 inasmuch as the proposed site is located in a district that presently has an undue concentration of licenses and establishments and is located within 1,000 feet of sensitive uses.
3. FIND that the “Public Convenience or Necessity” WILL NOT be served by issuing a license to sell beer and wine for off-site consumption to Fresh & Easy Express at 138 Wilshire Boulevard, Unit No. 173, Los Angeles, 90010, inasmuch as the proposed site is located in a district which is, according to the Los Angeles Police Department (LAPD), experiencing an increase in crime, thus requiring LAPD to deploy additional, patrol vehicles to effectively deal with that rise in crime, and that LAPD opines that granting another ABC license at this location will adversely affect the welfare of the surrounding community.

4. FIND that the sales method used by the applicant causes great concern as to underage sales and other violations of the law and abusive practices, as it is a self-checkout system that does not ensure an employee overseeing the purchase of alcohol.

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

i. The proposed site is located in Census Tract 2111.20, which is allotted three licenses for off-site sales. To date, four licenses have already been issued to locations in the area. Therefore, there is already an undue concentration of licenses in the area around the proposed site. Moreover, two other markets and seven restaurants that serve or sell alcohol products are located within 600 feet of the proposed location.

Further, according to the applicant’s application, there are currently 18 other locations within 1,000 feet of the proposed site that serve or sell alcohol. Finally, according to LAPD, the Olympic Area Vice Unit (which responds to the area in which the proposed site is located) already faces a public safety challenge due to the number of ABC locations in the area. LAPD reports that within the six square miles that encompass the Olympic Division of LAPD there are 462 existing ABC locations.

ii. LAPD reports that there are 11 sensitive uses with 1,000 feet of the proposed site. These sensitive uses include Young Oak Kim Academy (Central LA Middle School), the YMCA, Immanuel Presbyterian Church, Miju Sungmoon Presbyterian Church, and Disciple Mission Korean Methodist Church. Additional, sensitive uses within walking distance include other churches and Southwestern Law School.

iii. In a letter to the City Council, the LAPD, Olympic Area, states that since 2009 there has been a concerted and successful effort to reduce crime in this area, which has historically been plagued by gang violence, loitering, drug dealing, and vagrancy. LAPD states that there is already a history of criminal activity at this location, which was previously occupied by a Metro Fresh that also had a liquor license. LAPD opines that granting an ABC license in this case will adversely affect the welfare of the surrounding community because the granting of an additional license will exacerbate the crime rate in an area that has already experienced a high number of calls for service and crime reports, for crimes that include public intoxications, assaults and thefts. For these reasons, the LAPD is opposed to the granting of this ABC license.

5. INSTRUCT the City Clerk to transmit this determination to the State Department of ABC as the required finding under Business and Professions Code Section 23958.4.
MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

13-0152
MOTION (KREKORIAN - ALARCON) relative to considering the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearing results for the issuance of Multifamily Housing Revenue Bonds in amount not to exceed $12,600,000 to finance the acquisition and rehabilitation of the Hazeltine and Wyandotte Apartments.

12-0010-S40
MOTION (PERRY - HUIZAR) relative to reinstating the reward offer in the death of Julie Souza for an additional six months.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

13-0004 - Jingles - Venice Beach Legend
    Kent Pollard
    Rosendahl - Zine
    Zine - Huizar

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

13-0003 - Dori Pye
    Rosendahl - All Councilmembers

Alarcón, Buscaino, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Rosendahl and Zine (11); Absent: Garcetti, Reyes and President Wesson (3); Vacant: Council District Six

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk             PRESIDENT OF THE CITY COUNCIL