

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **November 29, 2006**
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: Cardenas, Greuel, Hahn, LaBonge, Perry, Rosendahl, Smith, Weiss, Wesson and President Garcetti (10); Absent: Huizar, Padilla, Parks, Reyes and Zine (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
NOVEMBER 22, 2006

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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- 2

ITEM NO. (1) - CONTINUED TO DECEMBER 12, 2006

Roll Call #1 - Motion (Greuel - Weiss) Adopted to Continue, Unanimous Vote (11); Absent: Hahn, Huizar, Padilla and Reyes (4)

[06-2607](#)

CD 2 TENTATIVE TRACT APPEAL filed by Jill Banks Barad from part of the determination of the Los Angeles City Planning Commission in approving Tentative Tract No. 65491, subject to modifications and additions to the Deputy Advisory Agency Conditions of Approval noted in decision letter dated June 26, 2006 (attached to Council file No. 06-2607), to amend Conditions of Approval as follows: (1) The City Planning Commission modified to City Planning Site Specific Conditions Nos. 10b, and 11; and added Conditions Nos. 13 through 20; and (2) The City Planning Commission also added new Department of City Planning - Environmental Mitigation Measures Nos. MM-28 through MM-35, for the proposed construction of a 50-unit condominium on a 40,138 net acre site in the R3-1 Zone with 112 parking spaces, including 12 guest spaces for property at 13568, 13572, 13576 and 13578 Rye Street.

Applicant: Rye Investment Group LLC

TIME LIMIT FILE - DECEMBER 1, 2006

(LAST DAY FOR COUNCIL ACTION - DECEMBER 1, 2006)

ITEM NO. (2) - PUBLIC HEARING CLOSED - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #3 - Motion (Parks - Cardenas) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)

06-2818

BUDGET AND FINANCE and INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEES' REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code (LAAC) to add provisions regarding new video service fees, penalties and other related matters.

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

PRESENT and ADOPT the accompanying ORDINANCE amending the LAAC to add provisions regarding new video service fees, penalties and other related matters.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports there is no General Fund impact at this time. The Information Technology Agency (ITA) advises that approximately the same \$24 million in City cable franchise revenues that have been received in the past few years are anticipated in the near term. By ordinance, the existing five-percent cable franchise fees received by the City are divided between the General Fund (60 percent) and the Telecommunications Development Account (40 percent). Over time, cable franchise revenues deposited in the Telecommunications Fund, Liquidated Damages and Lost Franchise Fees, Telecommunications Development Account are expected to increase as a result of the imposition of a one-percent Public, Educational and Government (PEG) access fee.

The proposed Ordinance provisions are in compliance with City Financial Policies in that they will preserve ongoing revenue from cable franchise fees used to support such activities as L.A. CityView Channel 35, Los Angeles Cable Television Access Corporation (Channel 36), PEG access studios, and the ITA's Cable Television Division. Since revenues may vary in future years, the CAO will update revenue projections as information becomes available.

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

ITEM NO. (3) - ADOPTED - FORTHWITH

Roll Call #11 - Motion (Wesson - Huizar) Adopted, Ayes (14); Absent: LaBonge (1)

03-1798

CD 14 HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the reappointment of Ms. Maria Del Angel to the Housing Authority of the City of Los Angeles.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Del Angel to the Housing Authority of the City of Los Angeles for the new term ending June 6, 2007, is APPROVED and CONFIRMED. Ms. Del Angel resides in Council District 14. (Current Board gender composition: M=0; F=7)

Ethics Commission Review: Pending

Background Check Review: Pending

**Roll Call #2 - Motion (Hahn - Parks) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)
(Item Nos. 4-6)**

ITEM NO. (4) - ADOPTED

06-2240

CD 15 NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment and zone change for property at 10723-25 South Compton Avenue, 10801-03 South Compton Avenue, 10800-10 South Compton Avenue, and 1608 East 108th 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. 06-2240 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 2004-0997 ND].
2. ADOPT the November 20, 2006, FINDINGS of the Director of Planning as the Findings of the Council.
3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the City Planning Commission and the Director of Planning APPROVING the proposed General Plan Amendment to the Southeast Los Angeles Community Plan from Low Medium I Residential to General Commercial. There is no proposed project at this time.

Applicant: City of Los Angeles

CPC 2004-0996 ZC GPA

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, effecting a zone change from R2-1 and [Q] R4-1 to [Q] C1.5-1VL, for property at 10723-25 South Compton Avenue, 10801-03 South Compton Avenue, 10800-10 South Compton Avenue, and 1608 East 108th Street, subject to Conditions of Approval, as attached to the Committee report.

Said rezoning shall be subject to the "Q" Qualified classification zone limitations as shown on the sheets attached to the Committee report.

5. NOT PRESENT and ORDER FILED the ordinance approved by City Planning Commission on April 13, 2006.
6. INSTRUCT the Planning Department to update the General Plan and appropriate maps pursuant to this action.
7. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
8. 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.
9. 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 Planning Department reports that there is no General Fund impact, as administrative costs are recovered through fees.

TIME LIMIT FILE - DECEMBER 4, 2006

(LAST DAY FOR COUNCIL ACTION - DECEMBER 1, 2006)

ITEM NO. (5) - ADOPTED - FORTHWITH

04-1405

BUDGET AND FINANCE COMMITTEE REPORT relative to the Tobacco Enforcement Program (TEP).

Recommendations for Council action:

1. REQUEST the City Attorney to report back in six months on the status of the TEP, the number of retailers that have obtained a permit, the amount of Tobacco Permit Fee revenue collected, total program costs, recommendations for expansion of the program, any amendments necessary to update the Tobacco Retailers' Permit Ordinance to reflect changes since its adoption, and other issues as appropriate.
2. NOTE and FILE the City Attorney status reports dated October 6 and 17, 2006 relative to the TEP, and draft Ordinance establishing a recalculated Tobacco Retailer's Permit Fee for 2008, inasmuch as the number of tobacco retail permittees has not reached the proposed level of 5,200, full cost recovery at the current level of permittees has not yet been achieved, expansion of the TEP is not recommended at this time, and no further Council action is necessary.

Fiscal Impact Statement: The City Administrative Officer reports that there is a potential impact to the General Fund of approximately \$364,000 if the number of Tobacco Retailer permittees is not increased to 5,200 as proposed. The recommendations included in this report will assist the City Attorney in its efforts to increase revenue and achieve full cost recovery. The current fee of \$208 may not be sufficient to provide full cost recovery for the issuance of the tobacco retailer permit by the Office of Finance, and the administration, inspection and enforcement activities conducted by the City Attorney. These recommendations are consistent with the City's Financial Policies.

ITEM NO. (6) - ADOPTED - FORTHWITH

04-1405-S1

BUDGET AND FINANCE COMMITTEE REPORT relative to amending the Tobacco Retailer's Permit Ordinance to generally update the Ordinance.

Recommendation for Council action:

RECEIVE and FILE the Motion (Padilla - Garcetti) relative to requesting the City Attorney to draft amendments to the Tobacco Retailer's Permit Ordinance to generally update the Ordinance and to reflect the changes in City Department functions that have occurred since its adoption, inasmuch as action on this matter has been taken under Council file No. 04-1405, and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (7) - ADOPTED

Roll Call #9 - Motion (LaBonge - Parks) Adopted, Ayes (15)

06-0600-S61

BUDGET AND FINANCE COMMITTEE REPORT relative to the 2005-06 Capital Improvement Expenditure Program (CIEP) year-end reappropriations.

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

1. APPROVE the reappropriation of the June 30, 2006, capital improvement and contingencies project account balances within the listed funds, except for those accounts delineated in Attachment A of the City Administrative Officer (CAO) report, attached to the Council file, and those accounts with funds that have already been reappropriated by interim actions within Fiscal Year 2006-07:

General Fund (Non-Department Capital Improvement Program) No. 100,
Department No. 54

Special Gas Tax Street Improvement Fund No. 206, Department No. 50

Proposition C Anti-Gridlock Transit Improvement Fund No. 540, Department No. 94

Local Transportation Fund No. 207, Department No. 94

Park and Recreational Sites and Facilities Fund No. 209, Department No. 88

Street Lighting Maintenance Assessment Trust Fund No. 347, Department No. 50
Special Parking Revenue Fund No. 363, Department No. 94
Stormwater Pollution Abatement Fund No. 511, Department No. 50
Sewer Capital Fund No. 761, Department No. 50
WW System Commercial Paper A Construction Fund No. 70X, Department No. 50

2. REQUEST the Controller to work with the CAO to identify those accounts within Fund 100, Department No. 54, where 2005-06 reversions have already been reappropriated.
3. AUTHORIZE the CAO to make technical corrections as necessary, subject to the availability of funds, to implement the Mayor and Council actions.

Fiscal Impact Statement: The CAO reports there is no additional impact to the General Fund. Reappropriations are for previously approved General Fund, special funded and grant funded projects and were considered during the development of the 2006-07 Proposed Budget. Consequently, these actions are consistent with the City's Financial Policies.

ITEM NO. (8) - ADOPTED

Roll Call #2 - Motion (Hahn - Parks) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)

06-2790

CD 6 CONTINUED CONSIDERATION OF HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to the issuance of tax-exempt revenue bonds in the amount of \$20.2 million to refinance existing bond debt for the Anheuser-Busch, Inc (ABI) Sewage and Solid Waste Disposal Project (Project).

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

1. FIND that the ABI bond refunding in connection with the Project at the ABI brewery location in Van Nuys is necessary and appropriate to accomplish City community and economic development objectives.
2. ADOPT the accompanying Resolution (attached to the Community Development Department (CDD) report dated October 27, 2006) relating to the authorization, execution, and issuance of up to \$20.2 million in tax-exempt revenue bonds by the California Statewide Communities Development Authority (CSCDA) for the Project.
3. AUTHORIZE the General Manager, CDD, or designee, to negotiate and execute all documents and agreements required for issuance of the bonds, subject to review of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that there is no General Fund impact. Approval of the recommendations enables the CSCDA, a multi-jurisdictional joint powers bonding authority, to issue up to \$20.2 million in Series 2006 revenue bonds to refinance existing bond debt in connection with the ABI Project. This action complies with City financial and debt management policies in that bond proceeds are generated from investor capital and require no pledge of public funds for their backing, security, or repayment.

(Continued from Council meeting of November 22, 2006)

ITEM NO. (9) - CONTINUED TO DECEMBER 1, 2006

Roll Call #16 - Motion (LaBonge - Reyes) Adopted to Continue, Unanimous Vote (15)

06-2372

CD 4 CONTINUED CONSIDERATION OF PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to inclusion of the property located at 1810-16 Whitley Avenue in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the Findings of the City Planning Department, Office of Historic Resources as the Findings of the Council.
2. APPROVE the City Planning Department, Office of Historic Resources, September 7, 2006 staff recommendations, and THEREBY DISAPPROVE for inclusion in the list of Historic-Cultural Monuments property located at 1810-16 Whitley Avenue. (Approval of the staff recommendations overturns the September 7, 2006 decision of the Cultural Heritage Commission (CHC) to include the property in the list of Historic-Cultural Monuments.)

Applicant: Robert Nudelman and Dave Monks, Hollywood Heritage CHC-2006-5594- 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.

TIME LIMIT FILE - DECEMBER 6, 2006

(LAST DAY FOR COUNCIL ACTION - DECEMBER 1, 2006)

(Continued from Council meeting of November 1, 2006)

**Roll Call #2 - Motion (Hahn - Parks) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)
(Item Nos. 10-12)**

ITEM NO. (10) - ADOPTED - FORTHWITH

06-2574

06-2574-S1

CD 5 ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Vesting Tentative Tract Map appeal (VTT 61958), Site Plan Review Findings and Project Permit Compliance for property at 10131 West Constellation.

Recommendations for Council action:

1. CERTIFY that the Environmental Impact Report (EIR No. 2004-6269 EIR); State Clearing House No. 2005051145 has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file Nos. 06-2574 and 06-2574-S1 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 Environmental Impact Report.
2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.
3. ADOPT the FINDINGS of the City Planning Commission, as amended by the Planning and Land Use Management Committee and as shown in the attachments to the Committee report, as the Findings of the Council.
4. RESOLVE TO DENY appeals filed by Jonathan A. Brod, Esq., and Westwood South of Santa Monica Boulevard Homeowners Association, filed on behalf of Cheviot Homeowners Association; Cheviot Hills Traffic Safety Association; Tract 7260 Homeowners Association, Westwood Gardens Civic Association, Inc., and Westwood South of Santa Monica Boulevard, Homeowners Association (Barbara Brodie, Representative, President) from the entire decision of the City Planning Commission, and THEREBY APPROVE: (a) Vesting Tentative Tract Map No. 61958 sustaining the approval of the Deputy Advisory Agency, to allow a (7) seven lot (one master lot and six airspace lots) subdivision in conjunction with a 483-unit residential condominium (mid to high-rise structures) on 5.5 net acres in the C2-2-O zone; (b) a Project Permit Compliance with the Century City North Specific Plan (Ordinance No. 156122), and (c) Site Plan Review findings for projects which result in an increase of 50 or more dwelling units, in connection with the demolition of existing structures and associated parking and construction of 483 residential condominium units in two 47-story, approximately 570 foot high buildings, and one 12-story, approximately 135 foot high building providing 1,208 parking spaces in a four-level subterranean parking garage on an approximately 5.5 acre parcel, at 10131 West Constellation, subject to Conditions of Approval, as modified, and as shown in the attachments to the Committee report.

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

TIME LIMIT FILE - NOVEMBER 29, 2006

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 29, 2006)

ITEM NO. (11) - ADOPTED

06-2575

CD 9

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Vesting Tentative Tract Map appeal (VTT 63368) located at 510 South Spring Street.

Recommendations for Council action:

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. 06-2575 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 2005-5738 MND].
2. ADOPT the FINDINGS of the Deputy Advisory Agency, as modified by the Planning and Land Use Management Committee (as related to imposing Quimby Fees for the project), as the Findings of the Council.
3. RESOLVE TO GRANT IN PART AND DENY IN PART APPEAL filed by Security Building Loft Partners, LP (Joel B. Miller and Paul Garry, Psomas, Representatives) from part of the City Planning Commission determination in sustaining the decision of the Deputy Advisory Agency, THEREBY APPROVING VTT 63368 composed of one lot, for adaptive reuse of an existing office building into a maximum of 154 residential units and the conversion of 10,278 square feet of office floor area into two commercial units for property at 510 South Spring Street, subject to Conditions of Approval, and further review by the City Planning Department on policies related to imposing Quimby Fees on development in the City, and subject to the modification of the City Planning Commission's Determination to impose Quimby fees for this project based upon the R5 density, and APPROVE that the Quimby fees for this project be paid in the amount equal to 33 1/3 percent of the Quimby fees calculated for the R5 Zone, consistent with adaptive reuse projects.

Applicant: Security Building Loft Partners, LP

VTT 63368-2A

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

TIME LIMIT FILE - NOVEMBER 29, 2006

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 29, 2006)

ITEM NO. (12) - ADOPTED

06-0465

TRANSPORTATION COMMITTEE REPORT relative to the Los Angeles County Metropolitan Transportation Authority's (Metro) preparation the Congestion Mitigation Fee Nexus Study in connection with the Countywide Congestion Mitigation Program (CMP).

Recommendation for Council action:

RECEIVE and FILE the October 27, 2006 Los Angeles Department of Transportation (LADOT) report relative to the Metro's efforts to develop a congestion mitigation fee as a potential alternative to meeting future requirements of the CMP, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Items for Which Public Hearings Have Not Been Held - Items 13-24

(10 Votes Required for Consideration)

ITEM NO. (13) - CONTINUED TO DECEMBER 1, 2006 - SEE FOLLOWING

Roll Call #10 - Motion (Parks - Greuel) Adopted to Continue, Unanimous Vote (15)

02-2658

CONTINUED CONSIDERATION OF ORDINANCE FIRST CONSIDERATION and MOTION (PARKS - CARDENAS) relative to extending the new business tax exemption for ten years for the second year of operation and updating the industry codes for contractors and film producers.

A. ORDINANCE FIRST CONSIDERATION

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

PRESENT and ADOPT the accompanying ORDINANCE amending Article I, Chapter II, Section 21.30 of the Los Angeles Municipal Code to extend the new business tax exemption for ten years for the second year of operation and update the industry codes for contractors and film producers.

B. MOTION (PARKS - CARDENAS)

ADOPT the following recommendations in lieu of portions of the Ordinance on Council file No. 02-2658 pertaining to extension of the new business tax exemption for the second year of operation:

1. The second year exemption from the business tax for new businesses will be subject to review and may result in a suspension of the second-year exemption for new businesses under any of the following circumstances, as determined by the Council, subject to the approval of the Mayor:
 - a. The City experiences a major natural or man-made disaster including, but not limited to, earthquakes, fires, or terrorist incident, the response and recovery for which require expenditure of more than one percent of General Fund revenues (i.e. \$40M in 2006-07); or
 - b. An economic downturn resulting in a resulting than one percent overall actual decline in all General Fund revenue for the fiscal year ended June 30 of that year (i.e. \$40M in 2006-07); or
 - c. The City is legislatively, legally or otherwise precluded from levying and collecting General Fund revenue that result in a greater than one percent total decline in budgeted General Fund revenue for that fiscal year (i.e. \$40M in 2006-07); or
 - d. The City receives a legal judgment for which either an option for legal appeal does not exist, or the City Council and the Mayor decline to pursue such legal appeal, and such judgment exceeds 10 percent of the Reserve Fund (i.e. \$18.5M in 2006-07); or
 - e. There is a non-discretionary situation requiring expenditure of any funds from the Emergency Reserve Account of the Reserve Fund.
2. To implement a suspension of the exemption in a given calendar year, action by the Council, subject to the approval of the Mayor, must be made by September 30th of the preceding calendar year to allow sufficient time to advertise the suspension of the exemption to the business community.
3. A suspension of the tax exemption will result in a period equivalent to the suspension period being added to the original five-year exemption period. This would result in the sunset clause of the ordinance expiring at the end of five years, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed five total years.
4. Reinstatement of the exemption shall require approval of the Council, subject to the approval of the Mayor.
5. Request the City Attorney to prepare and submit an ordinance for Council consideration to implement a Business Tax Exemption policy for the second year for new businesses, as specified above.

(Continued from Council meeting of November 15, 2006)

CONTINUED TO DECEMBER 1, 2006

AMENDING MOTION (PARKS - GREUEL)

Recommendation for Council action:

AMEND Motion (Parks - Cardenas) relative to extending the new business tax exemption for ten years for the second year of operation and updating the industry codes for contractors and film producers, to substitute recommendation 3 as follows:

B. Motion (Parks - Cardenas)

3. The exemption period shall be in effect for 10 years unless the Council takes one of the following actions: 1) Before September 30th of the fifth year takes an affirmative action to not extend the exemption period for a second consecutive five year period; or 2) Prior to September 30th of the 10th year of the exemption period, extend the exemption period beyond 10 years. A suspension of the tax to the original 10-year exemption period, or five year exemption period if the Council takes an action to not extend the exemption period for the second five year period. This would result in the sunset clause of the ordinance expiring at the end of 10 years, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed 10 total years, unless the Council takes an affirmative action to extend the exemption period beyond 10 years, or if the Council takes an action to not extend the exemption period for a second five year period then the sunset clause of the ordinance would expire at the end of the fifth year, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed five total years.

ITEM NO. (14) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

Roll Call #4 - Motion (Parks - Perry) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)

05-0600-S84

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) concerning the collection of fees to recover the Bureau of Sanitation's Best Management Practices plan check costs.

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

PRESENT and ADOPT the accompanying ORDINANCE amending LAMC Section 64.72 and adding Sections 64.72.05 and 91.106.4.1 to collect fees to recover the Bureau of Sanitation's cost of providing Best Management Practices plan check to comply with the Standard Stormwater Mitigation Plan or Site Specific Mitigation Plan and further amending LAMC Section 91.106.4.1 by increasing the parcels over which the Department of Building and Safety may withhold grading permits from those with disturbed areas.

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

(Energy and Environment and Budget and Finances Committees waived consideration of the above matter)

ITEM NO. (15) - ADOPTED

Roll Call #4 - Motion (Parks - Perry) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)

06-0005-S465

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, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of November 21, 2006:

06-0005-S465

CD 9 a. Property at 670 West 61st Street (Case No. 4706).
Assessor I.D. No. 6004-024-006

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 12, 2006)

06-0005-S466

CD 9 b. Property at 319 West 53rd Street (Case No. 7731).
Assessor I.D. No. 5110-033-005

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 28, 2004)

06-0005-S467

CD 9 c. Property at 863 West 47th Street (Case No. 13310).
Assessor I.D. No. 5018-004-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 20, 2006)

06-0005-S468

CD 10 d. Property at 2816 West Jefferson Boulevard (Case No. 19008).
Assessor I.D. No. 5044-015-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 18, 2006)

06-0005-S469

CD 10 e. Property at 3772 South Fourth Avenue (Case No. 19062).
Assessor I.D. No. 5042-007-023

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 18, 2006)

06-0005-S470

CD 14 f. Property at 701 North Cummings Street (Case No. 25489).
Assessor I.D. No. 5175-026-001

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 31, 2006)

06-0005-S471

CD 8 g. Property at 1055 West 39th Street (Case No. 48676).
Assessor I.D. No. 5037-017-001

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 19, 2006)

06-0005-S472

CD 13 h. Property at 313 North Alexandria Avenue (Case No. 49149).
Assessor I.D. No. 5520-024-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 19, 2006)

06-0005-S473

CD 2 i. Property at 11577 West Victory Boulevard (Case No. 79879).
Assessor I.D. No. 2335-013-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 13, 2006)

ITEM NO. (16) - CONTINUED TO DECEMBER 15, 2006

Roll Call #8 - Motion (LaBonge - Greuel) Adopted to Continue, Unanimous Vote (15)

04-2280-S1

COMMUNICATION FROM CHAIR AND MEMBER, TRANSPORTATION COMMITTEE relative to parking meter collections, contracting procedures and the SMART Parking Meter Pilot Program.

Recommendations for Council action:

1. DIRECT the Los Angeles Department of Transportation (LADOT) to report to Council in January 2007 with:

- a. A summary and evaluation of the information gathered from the responses to the Request for Information received by the LADOT on August 11, 2006 in connection with parking meter technologies that can increase the City's collection of parking meter revenue.
 - b. A summary and evaluation of the results of the LADOT's November 2005 through March 2006 SMART Meter Pilot Program on 14 off-street parking lots.
 - c. A Request for Proposals (RFP) for the collection of revenue from parking meters.
2. DIRECT the LADOT to revise the LADOT's RFP approval and protest/appeal process to include the Board of Transportation Commissioners as part of the decision-making process.

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

ITEM NO. (17) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

Roll Call #4 - Motion (Parks - Perry) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)

04-1490

COMMUNICATION FROM THE ENVIRONMENTAL AFFAIRS DEPARTMENT relative to requesting authority to apply for grant funding offered by the South Coast Air Quality Management District (SCAQMD).

Recommendations for Council:

1. AUTHORIZE the General Manager, Environmental Affairs Department (EAD) to prepare and submit applications for grant funding for mobile source emission reduction projects to the SCAQMD as part of the Fiscal Year 2006-07 Carl Moyer Program, Mobile Source Air Pollution Reduction Review Committee Work Program, Air Quality Investment Program, Advanced Technology Demonstration Programs, and other mobile source emission reduction grant programs on behalf of the City.
2. DIRECT City departments to participate in the grant programs as described above in Recommendation No. 1 to the fullest extent possible through the EAD.
3. INSTRUCT the General Manager, EAD, to report back to the Mayor and Council for the purpose of accepting any funds awarded.

Fiscal Impact Statement: The EAD reports that applying for the grant as described above in Recommendation No. 1 would have no fiscal impact to the General Fund.

(Energy and Environment Committee waived consideration of the above matter)

ITEM NO. (18) - SEE FOLLOWING

06-2894

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

Recommendations for Council action:

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

**Roll Call #13 - Motion (Huizar - Reyes) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 18a-18b)**

06-2894

CD 14 a. MOTION (HUIZAR - CARDENAS) relative to declaring Councilmember Huizar's First Annual Winter Wonderland on December 3, 2006 a Special Event (fees and costs absorbed by the City = \$2,358).

06-2897

CD 14 b. MOTION (HUIZAR - LABONGE) relative to declaring the Miracle on First Street on December 9, 2006 a Special Event (fees and costs absorbed by the City = \$4,943).

Roll Call #6 - Motion (Smith - Parks) Adopted, Ayes (11); Absent: Huizar, Padilla, Reyes and Zine (4)

05-1860

CD 12 c. MOTION (SMITH - PARKS) relative to declaring the Jewish Home for the Aging Walk of Ages 5K Walk/Run on December 3, 2006 a Special Event (fees and costs absorbed by the City = \$5,612).

Roll Call #13 - Motion (Huizar - Reyes) Adopted, Ayes (14); Absent: Zine (1)

06-2898

CD 14 d. MOTION (HUIZAR - SMITH) relative to declaring the Children's Olde Fashion Christmas on December 1, 2006 a Special Event (fees and costs absorbed by the City = \$1,226).

Roll Call #14 - Motion (Huizar - Reyes) Adopted to Receive and File, Unanimous Vote (14); Absent: LaBonge (1)

06-2899

CD 13 f. MOTION (GARCETTI - REYES) relative to declaring the Echo Park Holiday Parade 2006 on December 9, 2006 a Special Event (fees and costs absorbed by the City = \$7,077).

**Roll Call #13 - Motion (Huizar - Reyes) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 18g-18h)**

06-2901

CD 9 g. MOTION (PARKS for PERRY - SMITH) relative to declaring the Career and Technical Education Awareness on December 5, 2006 a Special Event (fees and costs absorbed by the City = \$1,112).

04-2437

CD 9 h. MOTION (GARCETTI for PERRY - PARKS) relative to declaring the Concert for the Homeless on December 2-3, 2006 a Special Event (fees and costs absorbed by the City = \$500).

**Roll Call #4 - Motion (Parks - Perry) Adopted, Ayes (12); Absent: Huizar, Padilla and Reyes (3)
(Item Nos. 19-21)**

ITEM NO. (19) - ADOPTED

06-1401

CD 15 MOTION (HAHN - ROSENDAHL) relative to relative to installing street banners identifying the Port of Los Angeles as a City of Los Angeles Non-Event Street Banner Program for the period of November 2006-January 2007.

Recommendations for Council action:

1. APPROVE the street banner program identifying the Port of Los Angeles as a City of Los Angeles Non-Event Street Banner Program for the period of November-January 2007.
2. APPROVE the content of the street banners for the above specified event.
3. APPROVE the continuation of the street banner installation program, as described above, should unforeseen circumstances change the actual period of the street banner installation.

ITEM NO. (20) - ADOPTED

06-2902

MOTION (HUIZAR - PARKS) relative to authorizing the Department of General Services to use the City Hall Tom Bradley Room for the holiday reception for the Joint Labor Management Committee on December 11, 2006.

Recommendation for Council action:

AUTHORIZE the Department of General Services to use the City Hall Tom Bradley Room on December 11, 2006 during normal business hours.

ITEM NO. (21) - ADOPTED - TO THE MAYOR FORTHWITH

05-1073-S49

CD 7 MOTION (PADILLA - PARKS) relative to funding from the Council District 7 Real Property Trust Fund for the Pacoima Street Lighting Improvements Phase 3 Lighting District project.

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

1. TRANSFER \$91,010 in the Council District 7 Real Property Trust Fund No. 689 and \$11,635 from the Council District 7 portion of the Street Furniture Revenue Fund No. 347, Dept. 50 (Total: \$102,645) to the "Pacoima Street Lighting Improvement Phase 3 LD" Account in the Street Lighting Maintenance Assessment Fund No. 347, Dept. 50, said funds to be used to complete the Pacoima Street Lighting Improvements Phase 3 Lighting District Project.
2. AUTHORIZE the City Clerk and Bureau of Street Lighting to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion.

ITEM NO. (22) - ADOPTED

Roll Call #15 - Motion (LaBonge - Garcetti) Adopted, Ayes (15)

06-2893

CD 4 MOTION (LABONGE - GARCETTI) relative to amending a personal services contract for Raymond F. Mellen to extend the term of the contract through November 30, 2007.

Recommendations for Council action:

1. AUTHORIZE the Councilmember of the Fourth District to execute this contract on behalf of the City.
2. INSTRUCT the City Clerk to encumber the necessary funds against the Contractual Services Account of the Council Fund for the Fiscal Year 2006-07 and to reflect it as a charge against the budget of the involved Council Office.

ITEM NO. (23) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION - SEE FOLLOWING

Roll Call #12 - Motion (Wesson - Zine) Adopted to Substitute, Ayes (14); Absent: LaBonge (1)

06-2900

CD 10 MOTION (WESSON - CARDENAS) relative to reprogramming Community Development Block Grant (CDBG) funds from Fire Station 68 to the Delta Sigma Theta Senior center for the re-roofing project.

RECEIVED AND FILED

Recommendations for Council action:

1. REPROGRAM \$39,820 in CDBG funds from Fire Station 68 to the Delta Sigma Theta Senior Center for the re-roofing project.

2. AUTHORIZE the Controller to:

- a. Transfer appropriations within the Community Development Trust Fund No. 424, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	R621	Savings CF 05-0093-S4	\$39,820
To:	A140	General Services	\$39,820

- b. Appropriate \$25,000 within Fund No 100/40 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
3160	Maintenance Materials	\$19,320
1090	GSD Maintenance Overtime	<u>20500</u>
Total		\$39,820

- c. Expend Funds upon proper demand from the General Manager, Community Development Department (CDD).

3. AUTHORIZE the General Manager, CDD, to make any technical adjustments that may be required and are consistent with this action, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement these instructions.

ADOPTED

SUBSTITUTE MOTION (WESSON - ZINE)

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

1. **REPROGRAM \$39,820 in Community Development Block Grant funds from Fire Station 68 to the Delta Sigma Theta Senior Center for the re-roofing project.**

2. **AUTHORIZE the Controller to:**

- a. **Transfer appropriations within the Community Development Trust Fund No. 424, as follows:**

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	W271	Neighborhood Facility	\$39,820
To:	A140	General Services (GSD)	\$39,820

- b. Appropriate \$39,820 within Fund No. 100/40 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
3160	Maintenance Materials	\$19,320
1090	GSD Maintenance Overtime	<u>20,500</u>
Total		\$39,820

- c. Expend Funds upon proper demand from the General Manager, Community Development Department (CDD).
3. AUTHORIZE the General Manager, CDD, to make any technical adjustments that may be required and are consistent with this action, subject to the approval of the City Administrative Officer, and REQUEST the Controller to implement these instructions.

ITEM NO. (24) - ADOPTED

Roll Call #7 - Motion (Rosendahl - Greuel) Adopted, Ayes (15)

06-2741

CONTINUED CONSIDERATION OF RESOLUTION (ROSENDAHL - GREUEL) relative to declaring November as "National Pancreatic Cancer Awareness Month" in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to commend the goals and ideals of the Pancreatic Cancer Action Network; and, DECLARE November as "National Pancreatic Cancer Awareness Month" in the City of Los Angeles.

(Continued from Council meeting of November 21, 2006)

Veto Message from the Mayor - Item 25

ITEM NO. (25) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #17 - Motion (Hahn - Perry) Failed of Adoption, Ayes (6); Noes: Cardenas, Greuel, Huizar, Padilla, Reyes, Rosendahl, Smith, Weiss and Zine (9)

Roll Call #18 - Motion (Weiss - Smith) Adopted, Ayes (9); Noes: Hahn, Labonge, Parks, Perry, Wesson and President Garcetti (6)

06-1305

CONTINUED CONSIDERATION OF MAYOR'S VETO MESSAGE disapproving Council's action of November 8, 2006 approving the City Attorney's recommended settlement in the case entitled Tennie Pierce v. City of Los Angeles, Los Angeles Superior Court Case No. BC 345845.

PURSUANT TO CHARTER SECTION 273(b)(3)

10 VOTES REQUIRED TO OVERRIDE MAYOR'S VETO

(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)

FAILED OF ADOPTION

MOTION (HAHN - PERRY)

Recommendation for Council action:

OVERRIDE the Mayor's veto disapproving the Council's action of November 8, 2006 approving the City Attorney's recommended settlement in the case entitled Tennie Pierce v. City of Los Angeles, Los Angeles Superior Court Case No. BC 345845.

10 VOTES REQUIRED, PURSUANT TO CHARTER SECTION 273(b)(3)

ADOPTED

MOTION (WEISS - SMITH)

Recommendation for Council action:

RECEIVE and FILE the Motion (Hahn - Perry) to override the Mayor's veto disapproving Council's action of November 8, 2006 approving the City Attorney's recommended settlement in the case entitled Tennie Pierce v. City of Los Angeles, Los Angeles Superior Court Case No. BC 345845.

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

04-0174

MOTION (PADILLA - CARDENAS) relative to declaring the Students Run L.A. on February 4, 2007 a Special Event (fees and costs absorbed by the City = \$11,508).

05-1558

MOTION (PADILLA - CARDENAS) relative to declaring the Council District Seven Community Clean Up on January 13, 2007 a Special Event (fees and costs absorbed by the City = \$3,800).

06-2932

MOTION (PADILLA - CARDENAS) relative to declaring the Council District Seven Community Clean Up on February 3, 2007 a Special Event (fees and costs absorbed by the City = \$3,800).

05-2620

MOTION (REYES - PERRY) relative to declaring the Lincoln Heights Holiday Parade on December 10, 2006 a Special Event (fees and costs absorbed by the City = \$3,000).

06-2933

MOTION (LABONGE - HAHN) relative to declaring the Holiday Trombone Extravaganza on December 17, 2006 a Special Event (fees and costs absorbed by the City = none submitted).

06-2934

MOTION (PERRY - REYES) relative to declaring The Edison on December 8, 2006 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

06-2935

MOTION (GARCETTI - LABONGE) relative to declaring the Santa at the Village Tree Decoration on November 27, 2006 a Special Event (fees and costs absorbed by the City = \$1,188).

06-0010-S48

MOTION (REYES - ZINE) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Christopher Fragosos and the injury to his friend on October 14, 2006.

06-0010-S49

MOTION (REYES - ZINE) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Zelvin Reyes on July 22, 2006.

06-2938

MOTION (GARCETTI - GREUEL) relative to reimbursing the firm of McCormack Baron Salazar (MBS) for expenditures associated with the development of a parking garage in Hollywood.

06-2936

MOTION (PERRY - REYES) relative to authorizing First Transit to provide two buses to provide shuttle service on December 13 and 14, 2006 for the National Prison Rape Elimination Commission hearing.

06-2937

MOTION (GARCETTI - GREUEL) relative to accepting a donation to the City by the estate of Theodore DiFiore.

Councilmember Greuel moved, seconded by Councilmember Perry, that the Council meeting adjourn, due to the lack of a quorum.

**Ayes, Cardenas, Greuel, LaBonge, Parks, Perry, Rosendahl, Wesson and President Garcetti (8);
Absent: Hahn, Huizar, Padilla, Reyes, Smith, Weiss and Zine (7).**

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL