



# THE CENTRAL SAN PEDRO NEIGHBORHOOD COUNCIL

## Stakeholder Meeting Minutes - Tuesday, November 8, 2011 Port of Los Angeles High School, 250 W. 5<sup>th</sup> St, San Pedro, Calif.

- 1. Call to Order & Roll Call:** Linda Alexander called the meeting to order at 6:32. The following board members were in attendance: Linda Alexander, James P. Allen (arrived at 7:05pm), Pat Carroll, Sue Castillo, Harvey Contreras, Scott Gray, Kali Merideth (arrived at 6:50), Julia Parker, Bill Roberson, Carrie Scoville, Andrew Silber and Phill Trigas. Excused absences: Frank Anderson and Kara McLeod. Unexcused absences: Art Almeida, Ralph (J.R.) Perez and Alan Ramirez. Approximates 30 stakeholders in attendance.
- 2. President's Report:** Linda Alexander commented on the election for Council District 15 being held today.
- 3. Minutes of October 11, 2011 meeting:** Scott Gray moved to approve the minutes of the October 11, 2011 as presented. The motion was seconded by Pat Carroll and passed with 8 yes votes, 0 no votes and 1 abstention.
- 4. Public Comment on Non-Agenda Items:** None

### Reports from Public Officials:

- 5. LAPD:** Sr. Lead Officer Nua reported:
  - Provided crime statistics specific to downtown San Pedro. Most crimes occur between midnight and 6am.
  - The Harbor Area is still 3<sup>rd</sup> in the city in homicides.
  - Gang injunctions are fully in force in San Pedro.
  - LAPD sponsored event on December 18<sup>th</sup> called Santa's Village being held at the shooting range on North Gaffey.
- 6. PBID Security:** Brief report.
- 7. PORT OF LOS ANGELES:** Augie Bezmalinovich reported:
  - Announced upcoming BOHC meetings as well as the Sampson Way Design, 3<sup>rd</sup> Presentation meeting scheduled for Thursday, November 17, 2011 from 6-8pm at POLA High School.
  - SCIG (Southern California International Gateway) project draft EIR has been released and there is a 90 day public comment/review period. Two public meetings are scheduled as follows: November 10, 2011 at Silverado Park in Long Beach and November 16, 2011 at the Wilmington Senior Center.
  - Announced upcoming Fountain Holiday event on Friday, December 2, 2011 and the 49<sup>th</sup> Afloat Parade event on Saturday, December 3, 2011 at the Port's Main Channel.
  - SP Slip and Ghost fish project has started and should be completed by next July.
  - Warehouses 9 and 10 update: "Crafted at the Port of Los Angeles" is still in negotiations which are going well. The BOHC should be voting on the project at the next meeting.
  - Downtown harbor construction should begin in January 2012 and is a 2 year project.
  - Front Street Project: nothing more to report at this time.

**8. Agenda Item #5c (Motion to authorize representative to file Community Impact Statement on behalf of Central San Pedro):**

- Sue Castillo moved that the Board reaffirm to DONE that the Central San Pedro Neighborhood Council wants representatives to be able to file Community Impact Statements on its behalf. The motion was seconded by Andrew Silber and passed unanimously by the Board.
- Sue Castillo moved that the following Board Members be authorized to submit "Community Impact Statements" on behalf of the Central San Pedro Neighborhood Council: Sue Castillo, Andrew Silber, Carrie Scoville and Scott Gray. The motion was seconded by Pat Carroll and passed unanimously by the Board.
- Sue Castillo moved that the following Board Members be authorized to submit Council Files on behalf of the Central San Pedro Neighborhood Council: Sue Castillo, Andrew Silber, Carrie Scoville and Scott Gray. The motion was seconded by Andrew Silber and passed unanimously by the Board.

**9. Agenda item #6. Croatian Cultural Center Parking:** Scott Gray recused himself from discussion. Maya Bristow, President of the Friends of the Croatian Cultural Center, provided the following information:

- There is an MOU public record on file with the city clerk related to the Croatian Cultural Center parking lot.
- The center is willing to work with anyone who wants to use the center. No one is excluded.
- The CCC is opposed to the loss of their exclusive control of the parking lot.
- James Allen said that the "Enterprise Zone" allows his business to operate with zero parking. He suggests that a deal be cut with the doctor across the street from the CCC to pay for parking from 9-5 and the CCC gets some benefit from that and gets evening and weekend use.
- The issue was referred to the Land Use Planning Committee.
- Mary Jo Walker commented that this issue is going before DOT and the Cultural Affairs Department

**10. Agenda item #11. Bylaws/Election Committee Reports:** Bill Roberson reported that the City is surveying stakeholders about election options.

**11. Report from the Office of Senator Roderick Wright:** Bill Orton reported that with the recent census, the State of California changed its population which has changed the demographics of the State. Proposed changes would result in Wright's district including all of San Pedro, Wilmington, Harbor City and Carson.

**12. Agenda Item #7: Downtown Parking Meter Issue:** Scott Gray reported:

- No results are yet available on the Downtown Parking Meter study.
- Free parking during the holidays is being requested by the Council Office and the Chamber of Commerce.
- James Allen moved that the Central SPNC Board send a letter to the appropriate parties requesting free parking downtown for the holidays. The motion was seconded by Pat Carroll and passed unanimously by the Board.

**13. Agenda item #5A. Draft Resolution related to Neighborhood Councils having more authority with the city structure (Action Item):**

- James Allen said that the Central San Pedro NC should have a role that is more than just advisory when land use issues arise within the Central boundaries, such as parking at the Croatian Cultural Center. He would like to have a written explanation when the City Council vetoes a recommendation of the Neighborhood Council Board.

- James Allen moved to adopt the resolution as presented, seconded by Andrew Silber. During discussion an amendment was made by James Allen and seconded by Andrew Silber to include that “a response be provided within 30 days”. The motion to amend was approved unanimously.
- Phill Trigas moved to amend the resolution replacing the words “written veto” with “written response”, seconded by Scott Gray. The motion to amend was passed with 6 yes votes and 2 no votes.
- The amended resolution was then passed unanimously by the Board with a request that it be sent to the City Council representatives as follows:

***RESOLUTION RE: ROLE OF NEIGHBORHOOD COUNCILS ON LAND USE AND ZONING ISSUES***

*Whereas Section 900 of the City Charter states that two purposes of neighborhood councils are 1) to promote more participation in government and 2) to make government more responsive to local needs; and*

*Whereas neighborhood councils have had an increasing interest in the importance of land use and zoning issues; and*

*Whereas Los Angeles City Council members have become increasingly aware of the value of neighborhood council input on these matters;*

***Therefore be it Resolved*** that whenever a city council member does not concur with a Central San Pedro Neighborhood Council official position on land use or zoning issues that they respond within 30 days, providing a written response addressed to this neighborhood council which clearly outlines and delineates the reasons for their actions.

**14. Agenda Item #5D. Discussion and possible vote on creating a Committee to work on more effective coordination of information amongst Neighborhood Councils, NC Alliances, etc.** The board agreed to send this agenda item to the Outreach committee for further discussion.

**15. Agenda Item 8. ACE District Issue. Discuss and consider motion for potential expansion of ACE District Boundaries to include Warehouses 9 and 10 (Action Item):**

- James Allen presented a motion for consideration by the Board. He explained that the USS IOWA and Warehouse 9 & 10 projects are items that both have cultural significance and input within the context of our attracting tourism and our promotion of a cultural tourist venue. He feels that all these cultural assets have an impact on the existing ACE district and that they may become the focal point of economic growth for the area. Along with the rest of the waterfront, these cultural assets should lie within the PBID district which would create the opportunity for consensus on marketing, promotion, and branding for the downtown area
- Linda Alexander commented that she doubts PBID will give ACE the authority over this area. She stated that the ACE Board has not discussed this and the finances of the new district are questionable.
- James responded that it doesn't have anything to do with money. Currently the ACE district intersects with the POLA at 4<sup>th</sup> and Harbor Blvd up to 10<sup>th</sup> and Harbor Blvd and goes down middle of channel. Expansion of the ACE District to include the new Warehouse Art Center reinforces the connection between downtown, the waterfront and the cultural district.
- There was a suggestion to include Angel's Gate with a response that there would need to be a critical land mass to connect it and Angel's Gate. The reference to Debra Lewis is incomprehensible.
- Sue Castillo agreed that the waterfront is part of our culture. She suggested a friendly amendment to expand the area at Beacon and 10<sup>th</sup> to include the waterfront all the way to Warehouses 9 & 10. James amended his motion to include those areas. **The board voted in favor of the motion with 8 yes votes and 2 no votes. The following**

resolution was adopted:

**Motion to extend ACE district to include Warehouse 9 & 10**

*Whereas, the CRA/LA has approved and funded the Arts, Culture and Entertainment district for the Downtown area of San Pedro to promote the arts in their various forms for the public benefit; and*

*Whereas, the ACE district exists to promote a sustainable arts community that attracts and retains artists in this community and that this goal is parallel to the concept of a crafts center just beyond the borders of the ACE district; and*

*Whereas the Port of Los Angeles has entered into an agreement with a developer for Warehouses 9 & 10 for the express purpose of creating an arts & crafts center open to the public and on the tide-lands of the Port of Los Angeles, and has entered into an agreement for the USS Iowa to be berthed at docks 88-90 on the main channel; and*

*Whereas, currently the ACE district boundaries are Fourth Street on the North, Harbor Boulevard to the East, Eighth Street to the South, and Pacific Avenue to the West, and extending all the way to the center of the Main Channel on the east; and*

*Whereas, it would be in the best interests of the CRA/LA, the community and Port of LA to extend the borders of the existing ACE district to include the proposed craft center on Harbor Blvd. at Warehouses 9 and 10, as well as the areas below, as a natural and conceptual addition to the ACE District and its plan.*

*Therefore Be It Resolved that the Central San Pedro Neighborhood Council urges the CRA/LA to expand the boundaries of the current Arts, Culture and Entertainment (ACE) district to include the area described as follows: beginning at the intersection of Eighth Street and Beacon St, thence southerly along Beacon Street to its intersection with Crescent Avenue, thence southwesterly along Crescent Avenue to its intersection with 22<sup>nd</sup> Street, thence easterly along 22<sup>nd</sup> Street to the centerline of the Main Channel, thence northerly along the centerline of the Main Channel to its intersection with the easterly prolongation of Fourth Street, thence westerly along Fourth Street to Harbor Boulevard.*

*And furthermore, that the district be expanded to include all of the waterfront areas now included in the San Pedro PBID assessment district that is inclusive but not limited to the docks where the USS Iowa will soon be berthed. This would also include the waterfront south of the Maritime Museum known as Ports O' Call Village and portions of the SP Slip.*

**16. Agenda Items #9 & #10: Report from Council District 15 and Update on CD15 List by**

**Andrew Silber:** Ana Dragin was no longer in attendance. Andrew Silber commented that until the Council Office has a new Council Person, there is not much that can be done with regard to Central's List of Action Items for CD15.

**17. Agenda Item #11. Proposed Amendment to Bylaws.** Scott Gray moved to adopt the following bylaws change in Article VII, Section 1, seconded by Andrew Silber:

- **Article VII COMMITTEES AND THEIR DUTIES**

- **Section 1: Standing**

*The Election Committee: The Election Committee shall be a standing committee of the Governing Board. The Election Committee shall have authority to set up and operate elections or a selection process if the City Clerk does not conduct the Council's election process. The Election Committee shall conduct oversight of any election/selection process used to elect members to the Governing Board.*

- Scott explained the difference between election and selection. Selection could be a town hall meeting or something else. Carrie Scoville commented that the Harbor Alliance of NC's defined selection as not having a secret ballot.

- After a brief discussion, the motion to adopt all changes to the bylaws as presented including the amendment to Article VII, Section 1 as shown above was passed unanimously by the Board. 9 yes, 0 no.

- Scott Gray briefly commented on the Governing Board Selection procedures adapted from other NC processes (presented on pages 14-16 in the agenda packet). He proposed that these procedures are a starting point for the Election Committee. The

Board agreed to table any action/vote on this item until the December meeting.

**18. Agenda item #12. Motion Re: Endorsement of a clean-energy and jobs-creation concept funded by an AMP-offset fee paid from windfall profits from the project (Action Item):** Carrie Scoville introduced Peter Warren who explained the proposed motion presented in the Agenda Packet:

- Warren proposes an "AMP-offset fee" which POLA would collect from Plains All American, to be used to reduce air pollution and build sustainable energy solutions. It would also encourage shippers to convert supertankers to AMP.
- **James Allen moved that the Central San Pedro Neighborhood Council adopt the resolution, seconded by Carrie Scoville.**
- Chuck Taylor from Butterfield Communications read a written statement on behalf of David Wright from Plains All American Pipeline. The project meets all required clean air and other environmental criteria for a project of this nature. All CEQA requirements for this project have been complied with. The project is better environmentally than the alternative of bringing more, smaller vessels into the inner harbor areas to discharge their cargo.
- June Burlingame Smith, President of Coastal SPNC, emphasized that Coastal passed this motion because they have a couple of concerns which include a long running battle with the Port to get mitigation funds used here. She feels that this proposal is a perfect example of how we as a community can urge the Port to offset the pollution. She would like the neighborhood councils to be unified and keep pushing
- Upon conclusion of the discussion, the Central Board voted unanimously in favor of adopting the following motion:

***Motion Re: Jobs and Clean Energy Project***

*Whereas, each supertanker unloading at Pier 400 will save its owners up to \$2 million each time they dock because the ships no longer will have to lighter their crude oil into smaller tankers west of Catalina to bring it to Los Angeles, and*

*Whereas, alternative marine power (AMP) is currently not required for all Supertanker calls at the new Supertanker berth at Pier 400, and*

*Whereas, this will require and permit hundreds of Supertankers to unload while running engines 24 hours a day at dockside during the first decade of the project, and*

*Whereas, the Harbor Area is a federal non-attainment zone for air pollution, and*

*Whereas, an AMP-offset fee would fund a jobs and clean-energy program for the Harbor Area and beyond using windfall profits from the project,*

***Therefore be it Resolved,*** *the Central San Pedro Neighborhood Council endorses a clean-energy and jobs-creation concept, funded by an AMP-offset fee paid from windfall profits from the supertanker project or by donations from Plains All American, the permittee, and*

***Further Resolved,*** *the Central San Pedro Neighborhood Council asks other Neighborhood Councils in the City of Los Angeles to endorse the clean-energy and jobs-creation concept, and*

***Further Resolved,*** *the Central San Pedro Neighborhood Council asks each candidate for the CD 15 seat to take a stand for or against the clean energy and jobs-creation concept and further to pledge once elected to seek the plan's implementation by the city of Los Angeles, as well as any necessary enabling legislation.*

**19. Agenda Item #13: Motion to give notice to Inactive Board Members prior to removal from the Central SPNC Board (Action Item).** James Allen moved that we give written notice to those Board Members having missed three consecutive meetings prior to them being considered for removal from the Board. The motion was seconded by Sue Castillo and approved unanimously by the Board.

**20. Finance Committee:**

- Motion by Andrew Silber to accept the October expenditures as presented by Treasurer Kali Merideth, seconded by Pat Carroll and approved unanimously by the Board.

**21. Outreach Committee:**

- Pat Carroll suggested that the action items presented in the Agenda be held off until next month. No board members objected and the action items were forwarded to next month's meeting.

**22. Land Use Planning Committee Report:** Sue Castillo reported:

- The State will visit the site of the new park proposed for 420 W. 9th St on November 17, 9am at the YWCA.
- Sidewalk Repair Issue: Sue referred to information presented on pages 24 & 25 of the agenda packet. The proposed motion asks the City to go back to the drawing board.
- **A motion was brought forth by the Land Use Planning Committee requesting that the 2-page resolution (attached) be submitted as a Community Impact Statement and that copies be forwarded to the Department of Public Works, the Mayor, City Council Staff and the Council Person elected in January. The Board approved the motion unanimously.**
- Andrew Silber read a CRA motion regarding downtown parking.

**23. PCAC Report:** Carrie Scoville reported:

- There is an Action Item being presented at the PCAC Meeting on November 18<sup>th</sup> which relates to the Rancho LPG facility. Carrie recommends that Central take a position.
- Announcement of the Port's upcoming design workshop on Nov. 17.
- New terminal on Long Beach side of the Port.

**24. HANC Report:** Carrie Scoville reported:

- Doug Epperhart is being appointed to the Board of Neighborhood Commissioners
- A 2-hour Ethics Training may be mandated and will be tailored to NC's.
- Mandatory training related to sexual harassment in the workplace.
- Treasurer training will be required.
- HANC'S Candidate forum had over 350 attendees. Watts forum had over 100 attendees.
- A motion was passed by HANC related to the Day Laborer Program. **Carrie Scoville moved that the Central SPNC endorse HANC's day laborer motion, seconded by Andrew Silber and passed unanimously by the Board.** (Motion to be forwarded to Eric Garcetti).
- HANC is opposed to automatic extension of NC board member terms ending 2012 to 2014 and requests a change in the plan for neighborhood councils to allow NC's to conduct their own elections if they choose to do so. **Carrie Scoville moved that the Central SPNC endorse HANC'S opposition to the automatic extension, seconded by James Allen and approved unanimously by the Board.**

**25. Adjournment:** The meeting was adjourned at 9:06pm.

Respectfully submitted by Kristina Smith  
Administrative Assistant to the Central San Pedro Neighborhood Council

**ATTACHMENT (Referred to in Item 22 of Minutes)**

**CENTRAL SAN PEDRO NEIGHBORHOOD COUNCIL**

Draft Community Impact Statement and response to City of Los Angeles proposal to make individual property owners financially responsible for the repair of sidewalk fronting their properties where such repairs are made necessary by City-owned street trees.

This neighborhood council is very concerned about the condition of the public sidewalks in the City of Los Angeles and recognizes the following:

Although State of California Law currently provides that cities *may* enact regulations that place 100% of the burden of sidewalk repairs on the adjacent property owner, the common law of easements specifies that the party that benefits from an easement shall pay the costs of installing and maintaining the improvements that serve the purposes of that easement. Although sidewalks in good condition enhance private property values to some degree, the party benefiting from public sidewalks is *primarily* the public. Therefore, we conclude that the public sidewalks should be maintained *primarily* at common or public expense.

The public sidewalks of a City are an important component of its transportation and recreational infrastructure. It is in the general interest of the City to encourage its citizens to walk rather than drive to destinations whenever possible, and to walk for recreational purposes as well. Public sidewalks in good condition serve these common (public) purposes.

The cost of replacing sidewalks destroyed by adjacent street trees could exceed \$10,000 along a single property frontage, which is beyond the reasonable financial means of many property owners in this City. Tree-root damaged sidewalks are scattered irregularly throughout the City, where sidewalks in perfect repair exist side-by-side to sidewalks in need of total replacement, through no fault of the adjacent property owner. Placing the burden of repair solely on fronting property owners is an unjust solution to a common problem.

The trees along the streets of a city provide many benefits to the residents of the city, including air quality improvements, urban heat sink reduction, and aesthetic benefits. The proposed transfer of liability of street tree damage on private property owners is very likely to produce changes in the behavior of property owners which will result in the significant loss of trees to the city, including the health benefits provided by such trees. The impacts of the ordinance are likely to be most severe in low-income neighborhoods, where the cost of sidewalk and tree maintenance is proportionately higher relative to home values.

While it is logical to require individual property owners to plant, water and maintain their own parkway plantings, the least cost-effective way to repair sidewalks is for individual property owners to contract for repairs on a per-property basis. The most cost-effective way to repair public sidewalks is through a large-scale sidewalk repair contract that is focused by locality, or neighborhood.

The poor condition of sidewalk in the City of Los Angeles did not occur overnight and cannot be fixed overnight. Patience, creativity and a focus on cost-effective and just cost sharing among the citizenry are required to solve this problem. Demonstration projects prior to implementing a "final solution" would allow the city to observe the best practices of other cities, experiment with different repair approaches, and follow up with the implementation of a rational citywide program.

**This neighborhood council requests that the City return to the planning phase of a citywide sidewalk repair plan that includes the input of neighborhood councils. Demonstration citywide sidewalk repair programs should consider inclusion of the following strategies:**

The city should prioritize sidewalk repairs to address the worst sidewalk conditions first, based on objective criteria. Most-need repairs should be prioritized by the degree of damage and offset; priorities should also be assigned by general accessibility considerations such as the volume of pedestrian traffic, walk to school routes, proximity to retail centers and public facilities such as hospitals and other public buildings. These priorities should be established in a Sidewalk Evaluation and Needs Guidelines (reference City of San Diego).

The City should re-examine its budgeted priorities for its existing revenue stream. If it is conclusively determined that there are insufficient existing funds to carry out a first or demonstration phase repair program based on the guidelines referenced above, the City should place a measure on a city ballot enabling a bond issuance to obtain the needed funds for that phase, spreading the repair costs across the public served. If the priority repair areas reflect distinct neighborhood patterns, assessment districts unique to those neighborhoods could be proposed.

The City should enter into large-scaled sidewalk repair contracts that maximize cost efficiency. Such contracts should be geographically focused, as contractor mobilization within a limited area (versus city-wide) will achieve greater efficiency.

Prior to implementing general expense-only contracts, the City should recreate its 50/50 voluntary repair program. This program should emphasize prioritized repairs (see guidelines above) and be carried out as large-scale competitively-bid contracts. The 50% private share should be established exclusive of City administrative fees (reference cities of Berkeley and San Diego and their 50/50 programs). By implementing this before repairs made at general (taxpayer or assessment district) expense, the inventory of needed repairs will be reduced early on.

No residential property owner should be charged City overhead costs, including permit fees, when that property owner opts to voluntarily contract for the repair of their adjacent sidewalk at their own expense.

Sidewalk repairs under 25 square feet shall be made to City standards but shall not require a City permit (reference City of Oakland; also City of San Jose, where a free permit is mailed with the notice to correct and the property owner may do the work without hiring a contractor).

In the event that financial responsibility is laid directly on a property owner for the repair of their adjacent sidewalk, there should be a \$500 ceiling fixing the maximum cost that an owner-occupied residence must bear for repair of their adjacent sidewalks (also reference City of Livermore, CA, for which the maximum per property liability is fixed at \$1,765). Proof of inability to pay should extinguish any lien or postpone the payment.

Every effort should be made by the City to protect its urban forest. Valuable and sustainable trees shall not be removed. Trees deemed by Urban Forestry to be less than valuable and sustainable should, if removed, be replaced by a suitable species in appropriate location(s).

Although assignment of liability for damages suffered due to trip and fall accidents on out-of-repair sidewalks are ultimately determined in a court of law, the City shall enact no legislation or policies which place or tend to place an extraordinary burden of oversight and care for the common property of public sidewalks and trees on individual property owners, who are "laypersons" with respect to these matters.

**Finally, this neighborhood council strenuously opposes a point-of-sale repair requirement that places unlimited cost burdens on individual residential properties regardless of the equity held or profit to be gained by a sale of a property.**