



- Officers
- ALEX GARAY
President
 - VICTORIA MILLER
Vice President
 - MARK LEVINSON
Secretary
 - PATRICIA BATES
Treasurer
 - LEE BLUMENFELD
Sergeant at Arms

**ENCINO NEIGHBORHOOD COUNCIL
GENERAL BOARD MEETING
{DRAFT}MINUTES**

**Wednesday, August 22nd, 2018
6:30pm Meet & Greet with Refreshments
7:00pm Meeting**

**Encino Women’s Club
4924 Paso Robles Ave., Encino CA 91316**

Motion, Discussion, and Vote may be taken on all items
This Encino Neighborhood Council Was be Live-streamed to the Encino NC Facebook page

<https://www.facebook.com/encinoneighborhoodcouncil/>

Audio Recording https://soundcloud.com/encino_nc/encino_neighborhood_council_august-22-2018_general_board_meeting

City of Los Angeles Harassment and Diversity Policy: All City volunteers have a right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive.

Meet and Greet with refreshments. 6:30pm-7:00pm

1. Call to Order & Pledge of Allegiance at 7:00pm.

Representatives			
Name	Board Position	Present?	Notes?
Lee Blumenfeld (Sgt at Arms)	Area 1 Representative	P	
Walter Almora	Area 2 Representative	P	



Miriam Davis	Area 3 Representative	P	
Jess Whitehill	Area 4 Representative	P	Ineligible
Diane Rosen	Area 5 Representative	A	
Laurie Kelson	Area 6 Representative	P	
Jim Esterle	Area 7 Representative	P	Ineligible
Sherman Gamson	Apartment/Condo Resident Rep.	A	Alfano here
Victoria Miller (VP)	Business Representative	P	
Samuel Apikyan	Business Representative	P	
Adriohn Richardson	Education Representative	P	Ineligible
Shelley Billik	Park Advocate/ Environment Rep	A	
Eliot Cohen	Planning & Land Use Rep	P	
Glenn Bailey	Public Safety Representative	P	
Anni Keusseyan	Religious Representative	A	
Patricia Bates (Treasurer)	Volunteer Service Representative	P	
Henry Eshelman	At-Large Representative	P	
Alex Garay (President)	At-Large Representative	P	
Carol Levin	EPOA Rep	P	
Gerald A Silver	Homeowners of Encino Rep	P	
Mark Levinson	Encino Chamber of Commerce Rep	A	
Alexandra Turner	Youth Representative	P	Ineligible
Alternates			
Name	Board Position	Signature	Voting?
David Ellis	Area 1 Alternate	A	
Katie Bull	Area 2 Alternate	P	Ineligible
Lynn Walker	Area 6 Alternate	A	
Zachary Helsper	At Large Alternate	A	
Joseph Alfano	Apartment / Condo Alternate	P	For Gamson
Steven Turner	Planning and Land Use Alternate	P	Ineligible
Marly Temple	Homeowners of Encino Alternate	A	



Al Mass	Homeowners of Encino Alt (2)	A	
Carol Davis	Area 3 Alternate	A	

2. Public Comments on Non-Agenda Items: Limited to maximum TWO MINUTES (2) per speaker; total time for all public comment is limited to 10 minutes. Public is asked to fill out a speaker card and hand it to the Board's Secretary. Time may be adjusted at president's discretion.

Several stakeholders expressed concern about a new multifamily development at Ventura/ Libbit South of the BLVD

Michael : Expressed concern about the installation of 5G towers in Encino and wanted to find out if the ENC had taken a position on 5G towers or not. GARAY and COHEN referenced a vote taken a few months ago where the ENC had supported the installation of a 5G tower across the street from The Stand, which was a contentious vote.

3. Reports from Public Officials/Departments/Community Agencies:

- A. Department of Neighborhood Empowerment, NC Budget Advocates, BONC, Related Groups
- B. Councilmember Paul Koretz: Gurmet Khara, Valley Director (818-971-3088)
- C. Councilmember Koretz: Aviv Kleinman, Planning Deputy (818) 971-3088
- D. LAPD Senior Lead Officers, Community Police Advisory Board
- E. LAFD
- F. LA City Attorney: Raffy Astvasadoorian, Neighborhood Prosecutor (Raffy.A@lacity.org)
- G. Mayor's West Valley Rep: Tanaz Golshan
- H. LA Department of Public Works Representatives
- I. LADWP Representative
- J. County or State officials

4. PRESENTATION – No presentation this month...

5. Applications for open positions on the Encino Neighborhood Council

How to apply

Available positions include: Alternates: Business (2); Education; Public Safety; Religious Organization/Institution; Volunteer/Service Group; Area 3; Area 4, Area 5; Area 7

Seating of Alternates

Motion to Seat Katie Bull Area 2 Alternate to Fill the Area 5 Rep Seat for this meeting only and

Motion to Seat Steven Turner PLU Alternate to Fill the Religious Rep Seat for this meeting only

Y= 14 N= 0 A= 0 I= 4 (Esterle, Richardson, A. Turner, Whitehill)

MOTION PASSES WITH UNANIMOUS CONSENT!

6. Officer's Reports:

- A. President's Report –
 - 1. ENC
- B. Treasurer's Report – Update for Board – ENC Account and cash flow
 - 1. **MOTION:** Approval of July 2018 Monthly Expenditure Reports

Moved By: Bates_ Seconded By: Levin

Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S.Turner, A.

Turner, Whitehill)

MOTION PASSES WITH UNANIMOUS CONSENT!



C. Secretary's Report –

1. **MOTION:** Approval of April, May 2018 Meeting Minutes

Moved By: Eshelman_ Seconded By: M. Davis
Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S.Turner, A. Turner, Whitehill)

MOTION PASSES WITH UNANIMOUS CONSENT!

D. Vice President's Report –

1. Current Committees and Membership Information

2. Committee Chair Appointments

Vice-President Miller Nominated the Following ENC Boardmembers/ Alternates to Chair The Following Committees :

- Alex Garay for Chair of Outreach Committee
- Eliot Cohen for Chair of Planning and Land Use (PLU) Committee
- Adrioehn Richardson for Chair of Education Committee
 - Richardson declined and announced he would be stepping down from the Board after this meeting
- Shelley Billik for Chair of Parks Committee
- Joseph Alfano for Government Affairs Committee Chair Committee
 - David Ellis nominated to co-chair with Alfano Committee
- Carol Davis and Glenn Bailey to co-chair Public Safety Committee
- Laurie Kelson for Chair of Transportation Committee

Moved By: Miller Seconded By: Levin
Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S.Turner, A. Turner, Whitehill)

MOTION PASSES WITH UNANIMOUS CONSENT!

E. Sergeant at Arms' Report

1. Ethics, Funding, Code of Conduct – training required of members

7. **Old Business:**

Traffic and Transportation Committee (Non-Consent)

A. **MOTION:** “Los Angeles decision makers and planners should reevaluate the Los Angeles Bicycle Plan and place a moratorium on construction of new bicycle lanes and facilities in Encino until safety, costs and commuter impacts are resolved.” Silver/Rosen, **Passed: 5-1-0**

Gibson: is there a council file regarding this motion?

Laurie:

Wayne: I fully support this, this is good, cyclists are maniacs, though we can't say that.

Karen: the city has a process for this, they can't just paint bike lanes on Ventura Blvd without input,

Bailey: this motion is the opposite of safety, there are people who get around on bikes and sometimes



those extra 2 feet are the difference between life and death. It's been years
This is alternative facts, and there should

Blumenfeld: I'm for bicycles, but the way the city is doing it by not asking the residents of Encino where they want them, in my options

Moved By: Silver Seconded By: Eshelman
Y= 11 9 N= 6 5 A= 0 I= 3 6¹

MOTION PASSES

YES: Almora, Bates, Blumenfeld, Cohen, Davis, Esterle, Garay, Kelson, Levin, Silver, Whitehill

NO: Alfano, Apikyan, Bailey, Bull, Eshelman, Miller

Abstain:

Ineligible: Bull, Esterle, Richardson, A. Turner, S. Turner, Whitehill

- B. MOTION:** We (The Encino Neighborhood Council) request that the DOT prepare a traffic study of Ventura Blvd. from Hayvenhurst to the 405 Freeway and that the finding be given to the Council Office and all relevant parties. Silver/Rosen, **Passed: 5-1-0**

Moved By: Seconded By:
Y= N= A= I=

MOTION PASSES/ FAILS

Executive Committee:

C. LA Youth Orchestra NPG. The LA Youth Orchestra is seeking an NPG to cover rental and staffing fees for the use of the Encino Community Center for Saturday rehearsals. **MOTION; ENC-EXE-18-07-0009:** The ENC Executive Committee is requesting the approval of an NPG for up to \$1,500 for the LA Youth Orchestra to cover rental and staffing fees for use of the Encino Community Center for rehearsals on Saturdays.

Moved By: Silver Seconded By: Kelson
Y= 13 N= 2 (Bailey, Cohen) A= 0 I= 3 (Richardson, S. Turner, A. Turner)

MOTION PASSES

¹ MINUTE-TAKER'S NOTE: It was known at the beginning of the meeting that Adriohn Richardson, and Steven Turner were ineligible to vote due to expired or incomplete trainings, as was it known that Alexandria Turner by the nature of her position was ineligible to vote, it was later discovered however that Katie Bull (Area 2 Alternate), Jess Whitehill (Area-4 Representative) and Jim Esterle (Area 7 Representative) were also ineligible due to expired trainings, the counts in 7-A are noted the way they are to reflect what the count in the moment was, and how the count turned out once ineligible votes were struck, as this item's counts more than any other were impacted by the revelation that 3 votes were ineligible when cast.



D. NC Reform CF-18-0467 – The NC Reform CF-18-0467 was emailed to the entire board (8/2/18) for review.- **MOTION; ENC-EXE-18-07-0002:** The ENC Executive Committee supports CF-18-0467 if amended to not include bullet points 3 & 4 and requests support from the board.

Moved By: _ Seconded By:
Y=_____ N=_____ A=_____ I=
MOTION PASSES/ FAILS

8. New Business – Consent Items

Items 8: A, D, E, H, were Pulled by Comments from the Consent Calendar

Richardson & Apikyan left before the Consent Calendar was approved

MOTION to Approve Items 8: B-C, F-M on Consent

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

Outreach Committee:

A. Encino Family Festival. MOTION; ENC-OUT-18-8-0003: The ENC Outreach Committee is requesting is requesting up to \$650 for a booth at the Encino Family Festival on October 7th, 2018. **Passed 5-0-0**

Moved By: Kelson Seconded By: Blumenfeld
Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S.Turner, A. Turner, Whitehill)
MOTION PASSES WITH UNANIMOUS CONSENT!

Executive Committee

B. Homeless Committee – There’s an interest from Stakeholders that the ENC form a Homeless Committee.
MOTION; ENC-EXE-18-08-0008: The Encino Neighborhood Council will form a Homeless Committee. **Passed 4-0-0.**

Cohen opposes the formation of a formation committee because he fears that accommodating the homeless will invite more homeless people



Garay: that's not what the committee is for, it's more for education about issues regarding homelessness

Eshelman: describing homeless people as unwanted tells me the

Wayne: before you vote on this go down to James Woods at cora

Moved By: Bates Seconded By: M.Davis
Y= 11 N= 3 2 (Cohen, Silver, ~~Whitehill~~) A=1 (Kelson) I= 6 (Bull, Esterle, Richardson, S.Turner, A. Turner, Whitehill)

MOTION PASSES 11-2-1-6

GARAY: all remaining items are Consent Items

- C. **CF 17-1311** – At the July ENC General Board meeting, Laila Aleqresh gave a presentation on CF 17-1311, an evaluation on the state of street related infrastructure programs in Los Angeles and is seeking support from the Encino Neighborhood Council. **MOTION; ENC-EXE-18-08-0009:** The ENC Executive Committee supports filing a CIS in support of CF 17-1311. **Passed 4-0-0.**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)

MOTION PASSES with UNANIMOUS CONSENT

This Item was voted on as part of the Consent Calendar

- D. **By-Laws & Committees** – Currently the ENC By-Laws do not stipulate that there needs to be a quorum in order to conduct the meeting. **MOTION; EXE-18-08-0010:** The ENC's Executive Committee supports amending the ENC By-Laws to include that ENC Committees need to have a quorum in order to conduct a meeting. **Passed 4-0-0.**

Motion: ENC-EXE-18-08-0010 Item 8-D& 8-E sent to the Bylaws Committee for Review

Moved By: Bailey Seconded By: Miller
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)

MOTION PASSES with UNANIMOUS CONSENT

Motion to send D & E to Bylaws 16-0-0-2

- E. **Standing Rules** – Since By-Laws cannot be changed until after the 2019 election, our Standing Rules should be amended to include that Encino Neighborhood Council Committees must have a quorum in order to conduct a committee meeting. **MOTION; EXE-18-08-0011:** The Encino Neighborhood Council Standing Rules will be amended to include that ENC Committees must have a quorum in order to conduct a meeting. **Passed 4-0-0.**

Motion: ENC-EXE-18-08-0010 Item 8-D& 8-E sent to the Bylaws Committee for Review

Moved By: Bailey Seconded By: Miller
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)

MOTION PASSES with UNANIMOUS CONSENT



- F. Administrative Change to previous Traffic & Transportation motion passed at the June ENC General Board Meeting.** Street names have been updated to include the correct streets. **MOTION; ENC-EXE-18-08-0012:** The ENC requests tow-away-zones for vehicles 7ft high and 22ft long (and larger) from 7pm-7am on: Bessemer St. between White Oak Ave. & Zelzah Ave., Topham St. between Zelzah Ave. & Lindley St., White Oak Ave. (service road East & West) between Bullock and Martha, White Oak Ave. between Delano St. & Bessemer St. **Passed 4-0-0.**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

- G. Sherman Oaks Homeless Housing** – Two sites in Sherman Oaks are being considered for homeless housing. 5161 Sepulveda Blvd. would be for emergency housing and 5161 W. Dickens would be for permanent supportive housing. Each community has been asked to locate possible locations for housing. Discussion and possible action; does the ENC wish to take a position on the sites in Sherman Oaks and locate possible sites in Encino? If the ENC forms a Homelessness Committee, this can be referred to the committee as the 1st action item. **MOTION; EXE-18-08-0013:** The ENC Executive Committee recommends referring this item to the ENC Homelessness Committee. **Passed 4-0-0.**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

- H. Funding for Additional Voice Tracker I Microphones – MOTION; ENC-EXE-18-08-0014:** The ENC Executive Committee recommends purchasing an additional Voice Tracker I Array Microphone after successful testing of the first one purchased and adding the Voice Tracker II to the City Surplus List. The Voice Tracker I may be purchased from B & H or similar, funding not to exceed \$375. **Passed: 4-0-0.**

Amendment to strike send the Voice Tracker II to Surplus,

Moved by Glenn, second by Lee

15-0-2(Almora, Jerry)

Amendment Passes.

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
AMENDED MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar



- I. **Funding for additional AV/Power Cables – MOTION; EXE-18-08-0015:** The ENC to purchase additional audio/video cables and/or power cables as well as some form of solution for cable management in order to extend the range of equipment used for meeting from vendors such as MyCableMart.com, Office Depot, Home Depot, Best Buy, etc., and minimize the risk of Stakeholders stepping/tripping over cables during meetings. Funding not to exceed \$200. **Passed: 4-0-0.**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

Parks Committee

- J. **LA River Veteran Tribute Park – MOTION; ENC-PAR-18-07-0001:** The ENC Parks Committee supports the LA River Veteran Tribute Park project concept as presented; if amended to; A) remove the permeable concrete vehicular access path, and B) add plumbing for reclaimed water irrigation. **Passed 5-0-0**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

- K. **Rodenticide use at Sepulveda Basin – MOTION; ENC-PAR-18-07-0002:** The ENC Parks Committee supports sending a written inquiry to the Department of Forestry of Recreation and Parks in the City of Los Angeles to request that the department ceases all rodenticide use in the Sepulveda Basin. **Passed 5-0-0**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

PLU Committee:

- L. **Upgrade the Urban Forest Practices to the best of class – MOTION; ENC-PLU-18-08-0001:** The Encino Neighborhood Council requests that the Los Angeles City Council set a 2018 public hearing date in Council Chambers, to discuss the loss of tree canopy, causing an environmental crisis; and to discuss the Dudek & Associates Report for the greater good of the citizens of L.A., in an open government setting, to set for a path to quickly implement solutions recommended in the Dudek Report. **Passed 7-0-0.**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar



M. Protect Urban Canopy through and adjustment to the municipal code, tracking system, and enforcement – MOTION; ENC-PLU-18-08-0002: The ENC Urgently requests that the Los Angeles City Council, within 60 days, protect our urban canopy by amending the effectiveness gap in the municipal code to include enforcement, tracking, and corrective distribution of funds to the affected City/Neighborhood boundary. See Attachment **Passed 7-0-0**

Moved By: Cohen Seconded By: Blumenfeld
Y= 13 N= 0 A= 0 I= 5 (Bull, Esterle, A. Turner, S. Turner, Whitehill)
MOTION PASSES with UNANIMOUS CONSENT
This Item was voted on as part of the Consent Calendar

9. Non Consent Items:

Executive Committee :

- A.** Discussion and possible action: Burbank Airport, two new departure procedures scheduled to take effect November 8, 2018, in which the FAA will institute 2 new GPS Guided Waypoints that will affect Studio City, Sherman Oaks and Encino. The GPS Waypoints have been pinpointed at Colfax/Ventura (near Carpenter School) and at Hollyline, south of Valley Vista (near The Buckley School). The altitude levels of aircraft at the GPS Waypoints are extraordinarily low and are effectively made even lower due to the elevation of the terrain. Waypoints will focus a GPS guided path so that low-flying jets essentially follow Ventura & Valley Vista Blvds from Studio City, through Sherman Oaks, past the 405 Freeway into Encino. Deadline to comment is August 23rd. **MOTION; EXE-18-08-0016:** The ENC opposes the new GPS Guided Waypoints set to take effect November 8, 2018 due to: the low altitude pose health risks due to emission particulates that fall to the ground when aircraft fly below 3000ft and it is highly unusual to have Waypoints in residential neighborhoods and near schools. The ENC recommends that the GPS Guided Waypoints should be moved to the 170 and 101 Freeways along the natural noise/pollution corridor.

Motion to substitute motion read by Cohen for the one on the agenda

Moved by Garay Second by Blumenfeld

Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S. Turner, A. Turner, Whitehill)
SUBSTITUTE MOTION PASSES WITH UNANIMOUS CONSENT!

Bailey Motion to Amend the insert “recommends the City of Los Angeles recommends to the FAA...”

Blumenfeld recommends “Directed to The City of Los Angeles and the FAA”

Moved by Blumenfeld Second by Kelson

Y= 14 N= 0 A= 0 I= 6 (Bull, Esterle, Richardson, S. Turner, A. Turner, Whitehill)
AMENDED MOTION PASSES WITH UNANIMOUS CONSENT!

Parks Committee:

- B. Illegal Tree Removal:** Proposed changes to municipal code for enforcement and use of fine funds related to illegal street tree removal by Lee Blumenfeld. **MOTION; PAR-18-07-0003:** The ENC recommends that the Los Angeles City Council should amend the gap in the municipal code to include enforcement, tracking, and corrective distribution of funds to the affected Neighborhood Council boundary within 60 days. **Passed: 4-0-1 THIS ITEM WAS COMBINED with Item 8-M (ENC-PLU-18-08-0002) and approved as part of the Consent Calendar above**



10. Committee Reports

1. ByLaws - Jess Whitehall/Glenn Bailey
2. Education - Adriohn Richardson
3. Government Affairs - Patricia Bates
4. Outreach - Alex Garay:
5. Parks/Environment – Shelley Billik
6. Planning & Land Use - Eliot Cohen
7. Public Safety - Glenn Bailey
8. Traffic/Transportation - Laurie Kelson

11. Board Member Comments on Non-Agenda Items: Limited to Two MINUTES (2) per speaker; total time for all comment is limited to 10 minutes

12. Adjournment at 9:26pm –

Next Encino Neighborhood Council meeting will be held on Wednesday, September 26th 2018

Community Events

The Encino Neighborhood Council (ENC), is a Certified Neighborhood Council of the City of Los Angeles which ADVISES City, other Governmental Officials' and the Community on issues or concerns that are affecting the community of ENCINO. The ENC is made up of volunteers who are ELECTED by the community who live, work or otherwise are involved in the community of ENCINO. The ENC also makes appropriations of City Funds for Community Projects and needs as requested and approved by various committees and the general board.

PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS – The public is requested to fill out a "Speaker Card" to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period.

Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is limited to 2 minutes per speaker per item, unless adjusted by the presiding officer of the Board or Committee.

PUBLIC POSTING OF AGENDAS - ENC agendas are posted for public review as follows: Glass case outside the Encino Chamber of Commerce office at 4933 Balboa Blvd, Encino, Encino-Tarzana Branch Library, and Encino Women's Club at 4924 Paso Robles Ave, Encino, 91316, and digitally at www.encinonc.org You can also receive our agendas via email by subscribing to L.A. City's Early Notification System at <http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.htm>

THE AMERICAN WITH DISABILITIES ACT - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services, may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting Alex Garay, Board President, at (818) 971-6996 or email via enc@socal.rr.com

PUBLIC ACCESS OF RECORDS – In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website: encinonc.org or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Alex Garay, Board President, at (818) 971-6996 or email via enc@socal.rr.com.



RECONSIDERATION AND GRIEVANCE PROCESS

For information on the ENC's process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the ENC Bylaws. The Bylaws are available at our Board meetings and our website <http://www.encinonc.org/bylaws.ph>

SERVICIOS DE TRADUCCION

Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte a Alex Garay, Presidente de la Mesa Directiva, al [\(818\) 971-6996](tel:8189716996) o por correo electrónico enc@socal.rr.com para avisar al Concejo Vecinal.

ATTACHMENT B (Expanded discussion and direction RE: Item 8M (PLU-18-08-0002))

Distribution:

First to DONE for a Request for Action

Second, sent to all NCs asking for letter of support of motion or CIS to be sent to info@encinonc.org for collection

Third, retransmitted to all council members, board of public works, planning and land use committee, to include any additional NCs

Request receipt of acknowledgment

Communication to Council Office CD5.

Attachment for the Motion / Request for Support

Rationale for the Motion:

Our urban forest is in danger. We are seeking your assistance in an ever-increasing problem in our neighborhood and citywide, concerning illegal tree trimming and tree removals. Within the last month, we've had several known incidents where trees in the public right of way were either destroyed or illegally cut.

Recent incidents:

The first incident was located on Newcastle Ave. in Encino where several pecan trees were illegally cut down. Local residents approached the contractor, hired by the property owner, and asked to view a permit for the tree removal. When a permit was not presented (and verified by Urban Forestry Division UFD that none was issued) the residents asked the contractor not to cut the trees down. A my311 request and a phone call were placed to report the incident. A UFD inspector showed up after all the trees were cut down and only stumps remained. To date; no fines have been issued, a safety hazard still exists on the street and although a Notice to Comply was issued, no "A" permit was obtained. The contractor is currently trying to plant new, small trees with no inspection from the relevant agencies. The trees they are planting are not up to city standards.

The second incident occurred on [17550 Burbank Blvd.](#) where multiple parkway trees were trimmed illegally. It was reported both on my311 as well as a phone call with an urgent request to have a UFD inspector show. The service request number [1-942-663-401](tel:1942663401) was then closed 3 weeks later with the report of "no issue found." Even though photos and the name and number of the contractor were provided. A follow-up request with a superintendent from UFD was held, to which the response was prompt action to open up another request to vet the viability of the trees. When asked if citations were to be given to the contractor or property manager was to be given, the answer was "at most they will receive a letter not to do it again without obtaining a permit." Since then, a letter was sent out, a street tree notice (STN), with no fine or corrective action stated on the STN, was that if at some point in the future something were to happen then the owner can be held liable. There is no a searchable record with a bond for damages at the Bureau of Engineering's Permit process.



A third location on Clark St, SR# 1-847862047, had a protected California Black Walnut cut down from a mature fruit-bearing tree to a 4' stump. These specific trees, only grow 1' a year, and only about 17% when planted reach maturity per a UC Davis Study. When reported, the owner was told he should personally take legal action against the neighbor and contractor, so as to not be fined personally. To date, this service request is still open.

Los Angeles has weak laws that protect our trees:

The tree and shrub ordinance have no process nor enforcement mechanisms. If a tree is removed illegally or harmed, the current ordinance provides for no penalties for doing so. This was confirmed with our neighborhood liaison to the city attorney's office, (see section 62.160s of Municipal Code). Los Angeles is currently deficient in its obligations and requirements to have, and maintain an urban canopy under both State and City General Plan mandates and goals. Additionally, through the Mayor's directive, our urban forest is equivalent in importance to that of other city infrastructure. Through an oversight, effective enforcement and tracking was not established to preserve, protect or enforce existing laws, rationales, and ordinances.

Without enforcement, we cannot protect the ones we have. Without restorative funding, we will not be able to replace the trees, leaving the neighborhoods barren with an increase in the heat island effect. Without the ability for inspectors to hand out citations on the spot, enforcement is impossible. Without Fines, there is no repercussion to removing or damaging trees through non-certified landscapers.

The Fix

Fines and Penalties:

We need to ensure that licensed and trained professionals are doing the work. Therefore, fines and penalties should be structured into two categories, Property owners as one category, and Trades/Others as the second category. "Trades/Others" are classified as property management, contractors, developers, and other agencies. Fines should be on an escalating tier-based system that can be tracked. A repeat of infractions should result in an increase in fines. Homeowner fines should start off at a lower rate to that of "others", seeing as that "others" by their very nature should know better. Contractors should receive higher penalties for doing work without a permit; and if doing work outside their authorized license, additional fines and referral to the state licensing board for civil action are recommended. We need to discourage illegal activities by contractors who refuse to pull a permit and convince the homeowner it's not needed. The citation should include instructions on obtaining the necessary permits and where to obtain them or appeal them. Fees/penalties generated by citations should be restricted to the area impacted and placed in a special fund for only use in restorative actions or improvements required/plan compliance under the Open Space Plan. They should be controlled by a combination of the City Council District and corresponding Neighborhood Councils with input by UFD. This will ensure not only more reporting of illegal activity but an oversight and pride of ownership by the localities. Part of the fine should also go to UFD to support additional inspectors since they do not draw funds from the current permitting system.

Enforcement:

- 1) Be Executed by Existing City Forces:
 - a. Why and How: Enforcement should be done by existing city forces, not by the police since they are overwhelmed and will not respond to a low priority call. Currently, only the UFD can issue street tree correction notices; but CAN NOT issue fees or fines. In speaking with several UFD representatives, they confirmed that such an on the spot citation would greatly help enforcement of their jobs. The department of Urban Forestry, Public Works Inspectors, DOT Inspectors, parking enforcement, etc... have over 600 inspectors combined. Currently, only a handful of Public Works Construction Inspectors can actually issue a ticket citation, and only for peak hour construction violations in the roadway.



2) Recording of Infractions in "V" Permits & Corrections

a. Why and How: The fines should state to obtain a permit to conduct the work legally and be obtained at any BOE public counter throughout the city. There, a "V" permit should be issued to distinguish it from the current "A" or "B" class permits. At the counter, the city can obtain the fine plus the additional cost for the inspectors to ensure the time they spend ensuring work is being completed per conditions of permit.

Under no circumstance should the city allow solely an "A" permit because it is not guaranteed by funds to complete if a violator just doesn't do the work. Either a Revocable Permit or a "B" permit has a bond against it. The "V" class permit mirror the same refundable guarantee attached; a set replacement cost of work to be done by city forces if the violator refuses to perform (see current cost tables by BOE).

The system to track such a permit already exists for "A" class permits and SRP Sidewalk rebate permits, so no need for additional IT development costs for a system.

b. Fines issued in error:

If a violator wishes to challenge the citation, they should follow existing protocol established by the Board of Public Works. For fines that are not paid and permits not pulled within 30 days, a delinquency notice with the citation plus an additional charge (for filing) now gets added on and is recorded against the property and/or license.

3) Funding

a. Fees/penalties generated by citations should be restricted to the area impacted and placed in a special fund for only use in restorative actions or improvements required/plan compliance under the Open Space Plan. They should be controlled by a combination of the City Council District and corresponding Neighborhood Councils with input by UFD. This will ensure not only more reporting of illegal activity but an oversight and pride of ownership by the localities. Part of the fine should also go to UFD to support additional inspectors since they do not draw funds from the current permitting system.

