

Los Angeles City Council, **Journal/Council Proceedings**

Friday, **March 23, 2007**

John Ferraro Council Chamber, Room 340, City Hall - 10:30 am

# **ALL ITEMS FORTHWITH**

**- - - SPECIAL COUNCIL MEETING - - -**

10:30 A.M. OR AS SOON THEREAFTER  
AS COUNCIL RECESSES ITS REGULAR MEETING

**ROLL CALL - Members present: Cardenas, Greuel, Hahn, LaBonge, Parks, Perry, Rosendahl, Smith, Weiss, Zine and President Garcetti (11); Absent: Huizar, Reyes and Wesson (3). Council District Seven Vacant.**

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ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED  
UPON DURING THE COUNCIL MEETING

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## **Veto Message From the Mayor - Item 29**

**ITEM NO. (29) - ENTIRE MATTER CONTINUED TO MARCH 30, 2007 - SEE FOLLOWING**

**Roll Call #2 - Motion (Garcetti - Perry) Adopted to Continue Entire Matter, Unanimous Vote (13);  
Absent: Reyes (1)**

[05-1776](#)

MAYOR'S VETO MESSAGE disapproving the Ordinance adopted by the Council on March 7, 2007. amending Article 4.5 of Chapter I of the Los Angeles Municipal Code relating to the transfer of floor area rights in the Central Business District and City Center Redevelopment Plan Areas and Chapter 45 of Division 5 of the Los Angeles Administrative Code relating to the Transfer of Floor Area Rights Public Benefit Payment Trust Fund.

TIME LIMIT FILE - MAY 7, 2007

[LAST DAY FOR COUNCIL ACTION - MAY 4, 2007,  
PURSUANT TO CHARTER SECTION 250 (C)]

10 VOTES REQUIRED TO OVERRIDE MAYOR'S VETO

CONTINUED TO MARCH 30, 2007

**MOTION (PERRY - PARKS)**

**Recommendations for Council action:**

1. **OVERRIDE** the Mayor's veto of Article 4.5 of Chapter 1 of the Los Angeles Municipal Code relating to Transfer of Floor Area Rights in the Central Business District.
2. **REQUEST** the City Attorney, with the assistance of the Chief Legislative Analyst (CLA), Community Redevelopment Agency (CRA), Planning Department and other departments as appropriate to draft and submit to the Council within 14 days an amending ordinance to include the following:
  - a. **Revisions to Section 14.5.5, Early Consultation Session, to require the CRA to also consult with the impacted Council office and the LA concurrently with the consultation with the Planning Department required by the Section.**
  - b. **Revisions to Section 14.5.6(A) to require all applications for a transfer to be filed concurrently with the CRA, Mayor, impacted Council office and the CLA.**
  - c. **Mayoral review of Council action approving the transfer of air rights with provisions that, should the Mayor veto the Council's action, the Council can override such a veto with 10 votes.**

**Items for Which Public Hearings Have Been Held - Items 30-31**

**ITEM NO. (30) - ADOPTED**

**Roll Call #4 - Motion (Zine - LaBonge) Adopted, Ayes (13); Absent: Reyes (1)**

07-0533

PERSONNEL COMMITTEE REPORT relative to the Mayor's appointment of Ms. Marissa Castro-Salvati to the Board of Civil Service Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Marissa Castro-Salvati to the Board of Civil Service Commissioners for the term ending June 30, 2010, is APPROVED and CONFIRMED. Ms. Castro-Salvati resides in Council District Four. (Current Commission gender composition: M=1; F=3)

Ethics Commission Review: Complete

Background Check Review: Pending

TIME LIMIT FILE - APRIL 8, 2007

(LAST DAY FOR COUNCIL ACTION - APRIL 4, 2007)

**ITEM NO. (31) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS - SEE FOLLOWING**

**Roll Call #3 - Motion (Zine - Weiss) Adopted, Ayes (12); Absent: Reyes and Wesson (2)**

06-2837

COMMUNICATIONS FROM THE BOARD OF WATER AND POWER AND CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to the Agreement Nos. BP 05-020A and BP 05-020B with Powerex Corp. for the purchase of renewable energy.

(Energy and Environment Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For copies of related, staff-generated reports for this matter, please contact the Legislative Assistant for the Energy and Environment Committee at 213-978-1077.)

**ADOPTED**

**ENERGY AND ENVIRONMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to Agreements No. BP 05-020A and BP 05-020B with Powerex Corp. (Powerex) for the purchase of renewable energy.**

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

1. **CONCUR with the Board of Water and Power (Board) action on March 6, 2007, Resolution 007-166, approving the Agreements No. BP 05-020A and BP 05-020B with Powerex, for the Department of Water and Power (LADWP) to purchase renewable energy generation from small hydroelectric facilities located in British Columbia, Alberta, Washington or Oregon Control areas for a term of four years, nine months, and for an expenditures not to exceed \$186,204,000 based on a price cap of \$89.50 per megawatt-hour (MWh).**
2. **PRESENT and ADOPT the accompanying ORDINANCE dated March 9, 2007, authorizing the execution of the agreement to purchase renewable energy generation from small hydroelectric facilities.**

**Fiscal Impact Statement:** The Board reports that the total expenditures may total \$186,204,000 for the four years, nine months duration of the Agreement. The funds will be used to purchase renewable energy as part of LADWP's Renewable Portfolio Standard. This will benefit the ratepayers of Los Angeles by supplying them with green energy.

## Items for Which Public Hearings Have Not Been Held - Items 32-34

(10 Votes Required for Consideration)

**Roll Call #1 - Motion (Hahn - Rosendahl) Adopted, Ayes (11); Absent: Huizar, Reyes and Wesson (3)  
(Item Nos. 32-33)**

### ITEM NO. (32) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

05-2801

COMMUNICATION FROM THE EXECUTIVE EMPLOYEE RELATIONS COMMITTEE (EERC) relative to approving the cost-of-living increase and special salary adjustment for the Executive Director, Harbor Department.

Recommendation for Council action:

APPROVE the cost-of-living increase and special salary adjustment for the Executive Director, Harbor Department, pursuant to Charter Section 604(b). (At its meeting on February 13, 2007, the EERC voted to concur with the salary recommendation of the Board of Harbor Commissioners).

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

(Council may recess to Closed Session, pursuant to Government Code Section 54957.6, relative to the above salary recommendation)

### ITEM NO. (33) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

07-0853

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ADMINISTRATIVE EXEMPTION and COMMUNICATION FROM THE BOARD OF AIRPORT COMMISSIONERS (Board) relative to the award of a Sole Source Contract to CSA Constructors, Inc. (CSA) for scaffolding, demolition, hazardous waste abatement and related repair work for the upper arches of the Theme Building at the Los Angeles International Airport (LAX).

Recommendations for Council action:

1. FIND that the proposed Sole Source Contract with CSA is administratively exempt from the requirements of the California Environmental Quality Act (CEQA), as provided by Article III, Class 1 (4) of the Los Angeles City CEQA Guidelines.
2. APPROVE the proposed Sole Source Contract with CSA for scaffolding, demolition, hazardous waste abatement and related repair work for the upper arches of the Theme Building at the LAX; and CONCUR with the Board of Airport Commissioners' action of March 19, 2007, Resolution No. 23246, authorizing the Executive Director of the Los Angeles World Airports to execute said Sole Source Contract.

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

(Trade, Commerce and Tourism Committee waived consideration of the above matter)

**ITEM NO. (34) - Motion Required**

**Roll Call #5 - Motion (Perry - Weiss) Adopted, Ayes (11); Absent: Cardenas, Parks and Reyes (3)**

07-0002-S61

CONSIDERATION OF RESOLUTION (PERRY - SMITH - GARCETTI) relative to the City's position for Senate Bill (SB) 275 (Cedillo) regarding the transporting of discharged patients to locations other than the patient's home.

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

ADOPT the accompanying RESOLUTION to include in the City's 2007-08 State Legislative Program SUPPORT of SB 275 (Cedillo) to prohibit the transporting of discharged patients to locations other than the patient's home, unless with the latter's informed consent.

(Intergovernmental Relations Committee waived consideration of the above matter)

**Closed Session - Item 35**

**ITEM NO. (35) - ADOPTED IN OPEN SESSION, AS AMENDED - SEE FOLLOWING**

**Roll Call #6 - Motion (Huizar - Rosendahl) Adopted in Open Session, As Amended, Ayes (10); Absent: Cardenas, LaBonge, Parks and Reyes (4)**

05-2298-S1

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Miguel Flores v. City of Los Angeles, Los Angeles Superior Court Case No. BS 101086. (This matter arises out of the City's approval of construction of the Replacement Hollenbeck Police Station under the Proposition Q Bond Fund program.)

(Public Works Committee considered the above matter in Closed Session on March 7, 2007. Budget and Finance Committee waived consideration of the above matter)

**ADOPTED IN OPEN SESSION, AS AMENDED**

**MOTION (HUIZAR - ROSENDAHL)**

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

- 1. FIND that the future work towards repairing, restoring, and reconstructing the interior of the historic Vladeck Building is exempt from California Environmental Quality Act (CEQA) review under the Class 31 Categorical Exemption in State CEQA Guidelines Section 15331, because the work will be conducted in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.**

2. **AUTHORIZE the City Attorney to enter into a settlement agreement in the case entitled Miguel Flores v. City of Los Angeles, Los Angeles Superior Court Case No. BS 101086, with the following terms:**
  - a. **Donate a total of \$50,000 to a non-profit organization or organization(s) that serve and enhance the Boyle Heights community, with the selection of the organization(s) mutually agreed to by Council District 14 and Petitioner. As of December 22, 2006, Petitioner has suggested and Council District 14 has agreed to the following organizations: Puente Learning Center, Neighborhood Music School, and Jewish Historical Society (for purposes of Boyle Heights history), each of which would receive an equal share of the \$50,000. \*Include the Variety Boys and Girls Club with the organizations to receive an equal share of the \$50,000. \*(Huizar - Rosendahl)**
  - b. **Allocate up to \$1,000,000 for restoration of the interior of Vladeck Building.**
  - c. **Make in-person status reports on the Project to the Boyle Heights Neighborhood Council at least every six months until construction of the Project is completed.**
  - d. **Make reasonable efforts to coordinate with the community regarding trash accumulation, street cleaning, and bulky item pick up during the construction period.**
  - e. **Pay Petitioner's costs in the amount of \$2,000.**
3. **AUTHORIZE the City Attorney to execute the necessary settlement documents to carry out the settlement in accordance with the above terms.**
4. **AUTHORIZE the City Attorney to expend \$52,000 in settlement of the case entitled Miguel Flores v. City of Los Angeles, Los Angeles Superior Court Case No. BS 101086, from the City Attorney Liability Claims Account 9760, Fund 100, Department 59.**
5. **AUTHORIZE the City Attorney to draw demands thereon payable in equal amounts to the designated non-profit organizations in the total amount of \$50,000, and to Petitioner Miguel Flores in the total amount of \$2,000.**
6. **AUTHORIZE the Proposition Q Administrative Oversight Committee to allocate for this settlement up to \$1,000,000 for the restoration of the interior of the Vladeck Building.**
7. **INSTRUCT the Bureau of Engineering and the Program Manager for Prop Q to proceed with the interior restoration of the Vladeck Building.**

**This matter was approved by the Public Works Committee (Rosendahl - LaBonge "yes") at its meeting on March 7, 2007, in Closed Session as permitted by Government Code Section 54956.9(a). (Budget and Finance Committee waived consideration of the above matter.)**

**Councilmember Perry moved, seconded by Councilmember Rosendahl, that the Special Council meeting adjourn.**

**Ayes, Greuel, Hahn, Huizar, Perry, Rosendahl, Smith, Weiss, Wesson, Zine and President Garcetti (10); Absent: Cardenas, LaBonge, Parks and Reyes (4). Council District Seven Vacant**

**Whereupon the Special Council meeting did adjourn.**

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL