

Angeles City Council, **Journal/Council Proceedings**
Wednesday, **April 15, 2009**
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: Greuel, Hahn, LaBonge, Perry, Reyes, Rosendahl, Smith, Weiss, Zine and President Garcetti (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
APRIL 8, 2009

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 1-11

**Roll Call #6 - Motion (Rosendahl - Perry) Adopted, Ayes (12); Absent: Alarcon, Cardenas and Parks (3)
(Item Nos. 1-5)**

ITEM NO. (1) - PUBLIC HEARING CLOSED - ADOPTED

[08-0057](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Stoney Hill Road and Mountaingate Drive (Reballot) Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held March 25, 2009)

ITEM NO. (2) - PUBLIC HEARING CLOSED - ADOPTED

[08-3361](#)

CD 6

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Cantara Street and De Garmo Avenue Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held March 25, 2009)

ITEM NO. (3) - PUBLIC HEARING CLOSED - ADOPTED

[08-3366](#)

CD 9

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Alameda and Fourth Streets Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held March 25, 2009)

ITEM NO. (4) - PUBLIC HEARING CLOSED - ADOPTED

[08-3367](#)

CD 9

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Hill and 37th Streets Lighting District.

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

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held March 25, 2009)

ITEM NO. (5) - PUBLIC HEARING CLOSED - ADOPTED

[08-3411](#)

CD 2

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Kester Avenue and Camarillo Street Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held March 25, 2009)

ITEM NO. (6) - PUBLIC HEARING CLOSED - ORDINANCE OVER ONE WEEK TO APRIL 22, 2009

**Roll Call #22 - Motion (Weiss - Wesson) Adopted, Ordinance Over One Week, Ayes (10);
Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)**

[08-3368](#)

CD 5

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Sweetzer Avenue and Clinton Street Lighting District.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held March 25, 2009)

ITEM NO. (7) - RECEIVED AND FILED, INASMUCH AS THE LIEN HAS BEEN PAID

**Roll Call #1 - Motion (Perry - Reyes) Adopted to Receive and File, Unanimous Vote (10);
Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)**

[08-2703](#)

CD 7

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings at 14273 West Sayre Street. (Lien: \$594.41)

ITEM NO. (8) - CONTINUED TO APRIL 29, 2009

Roll Call #8 - Motion (Parks - Wesson) Adopted to Continue, Unanimous Vote (11); Absent: Alarcon, Huizar, Parks and President Garcetti (4)

[09-0191](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of fencing of the lot at 4000 West Don Diablo Drive.(Lien: \$9,576)

ITEM NO. (9) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED

Roll Call #2 - Motion (Reyes - Perry) Adopted to Confirm Lien, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)

[09-0192](#)

CD 14

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, cleaning and fencing of the lot, demolition of the building, and graffiti abatement at 3529 East Eagle Street (front dwelling and detached garage) and 3529 1/2 East Eagle Street. (rear single-family dwelling) (Lien: \$17,516.59)

ITEM NO. (10) - RECEIVED AND FILED INASMUCH AS THE LIEN HAS BEEN PAID

**Roll Call #1 - Motion (Perry - Reyes) Adopted to Receive and File, Unanimous Vote (10);
Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)**

[09-0193](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, and fencing of the lot at 10212 South San Pedro Street. (Lien: \$11,374.72)

ITEM NO. (11) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED

Roll Call #2 - Motion (Reyes - Perry) Adopted to Confirm Lien, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)

[09-0194](#)

CD 7

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, fencing of the lot, and graffiti abatement at 14132 West Hubbard Street. (Lien: \$911.66)

Items for Which Public Hearings Have Been Held - Items 12-20

ITEM NO. (12) - ADOPTED

Roll Call #10 - Motion (Rosendahl - Reyes) Adopted, Ayes (11); Absent: Alarcon, Huizar, Parks and President Garcetti (4)

[09-0502](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the appointment of Mr. Thomas M. Donovan to the West Los Angeles Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Thomas M. Donovan to the West Los Angeles Area Planning Commission for the term ending June 30, 2011 to fill the vacancy created by David Washington, who resigned on February 12, 2009, is APPROVED and CONFIRMED. Mr. Donovan resides in Council District 11. (Current Board gender composition: M=1; F=3; Vacancy=1)

Ethics Commission Review: Complete.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - APRIL 20, 2009

(LAST DAY FOR COUNCIL ACTION - APRIL 17, 2009)

Roll Call #6 - Motion (Rosendahl - Perry) Adopted, Ayes (12); Absent: Alarcon, Cardenas and Parks (3) (Item Nos. 13-14)

ITEM NO. (13) - ADOPTED

[09-0388](#)

CD 9

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone and height district change for property at 3574-84 South Figueroa 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. 09-0388 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 2008-867 MND] filed on August 22, 2008.
2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the CPC, effecting a zone and height district change from C2-1L to (T)(Q)C2-2D for the proposed construction of a six story (up to 85 feet in height) approximately 98,825 square foot mixed-use building. The project would contain 56 dwelling units, proposed primarily for students, above approximately 18,220 square feet of ground floor commercial use. The project includes 159 parking spaces (120 residential and 39 commercial) in three subterranean parking levels all to be build on a 22,985 square foot site located at the northeasterly corner of Figueroa Street and Exposition Boulevard (3574-84 South Figueroa Street), subject to Conditions of Approval. (The CPC also adopted a Site Plan Review for this project.)

Applicant: Eran Fields, Forward Progress Mgmt. Real Estate Fund, LLC

Representative: Mark Brown, Brown/Meshul, Inc.

CPC 2008-866 ZC HD SPR

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MAY 20, 2009

(LAST DAY FOR COUNCIL ACTION - MAY 20, 2009)

ITEM NO. (14) - ADOPTED

[08-3140](#)
[08-0954](#)

ORDINANCE SECOND CONSIDERATION, approved by the Director of Planning on behalf of the City Planning Commission, amending Sections 17.07 and 17.56 of the Los Angeles Municipal Code to extend the lives of tentative and vesting tentative tract maps, parcel maps, and associated discretionary approvals.

(Negative Declaration, Planning and Use Management Committee report adopted in Council on April 8, 2009)

URGENCY CLAUSE - 12 VOTES REQUIRED

**Roll Call #3 - Motion (Hahn - LaBonge) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)
(Item Nos. 15-16)**

ITEM NO. (15) - ADOPTED

[03-2469](#)
[03-2469-S1](#)

ORDINANCES SECOND CONSIDERATION amending Sections 22.210.2 and 5.181 of the Los Angeles Administrative Code to include emergency ambulance billing accounts among those eligible to be referred to the Office of Finance for collection.

(Public Safety and Budget and Finance Committees reports adopted, as amended, in Council on April 8, 2009)

ITEM NO. (16) - ADOPTED

[08-1268-S2](#)

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to an amendment for the Fiscal Year (FY) 2008-09 Senior Community Service Employment Program (SCSEP).

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

1. APPROVE the FY 2008-09 Amendment No. 1 SCSEP Budget, attached to the Council file, and the forthcoming Standard Agreement No. TV 0809-25 with the State of California, Department of Aging, which provides a net decrease of \$241,856 in SCSEP grant monies.
2. AUTHORIZE the General Manager, Los Angeles Department of Aging (LADOA), to:
 - a. Execute the FY 2008-2009 Amendment No. 1 Budget Application, attached to the Council file, and the forthcoming Standard Agreement No. TV-0809-25, subject to the review and approval of the City Attorney as to form and legality.
 - b. Implement revised funding levels from the State of California, Department of Aging in the amount of \$1,976,826 of SCSEP Program funds.

- c. Negotiate and execute non-financial agreements with contractors receiving City Workforce Investment Act Title I funds and providing appropriate services for SCSEP participants who are in the WorkSource Center system.
- d. Prepare Controller accounting instructions and any necessary technical adjustments that are consistent with the Mayor and Council actions on this matter, subject to the approval of the City Administrative Officer, and authorize the Controller to implement those instructions.

3. AUTHORIZE the Controller to:

- a. Increase the appropriation within the Other Programs for the Aging Fund No. 410, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
E102	Aging	\$259

- b. Decrease the appropriations within the Other Programs for the Aging Fund No. 410, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1020	FY 2008-09 Enrollee Wages	(\$241,855)
3310	Transportation Expense	<u>(260)</u>
	Total	(\$242,115)

- c. Adjust the appropriations with Fund Number 100 Department 02 and transfer funds on an as-needed basis, as follows:

	<u>Fund</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	410	E102	Aging	\$259
To:	100/02	1070	Salaries – As Needed	\$2
	100/02	2130	Traveling Expense	(3)
	100/02	3040	Contractual Services	(2,500)
	100/02	3310	Transportation Expense	260
	100/02	6010	Office & Admin Expense	(4,500)
	100/02	7300	Furn, Office & Tech	<u>7,000</u>
			Total	\$259

Fiscal Impact Statement: The LADOA's proposed actions authorize the receipt of \$1,976,826 in Federal grants for the SCSEP. There is no additional impact on the City's General Fund.

Community Impact Statement: None submitted.

ITEM NO. (17) - ADOPTED

Roll Call #23 - Motion (Perry - Reyes) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[08-0163](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the feasibility of implementing a Sustainable Energy Financing District program modeled after the City of Berkeley's program.

Recommendations for Council action, as initiated by Motion (Smith - Garcetti):

1. DIRECT the Los Angeles Department of Water and Power (LADWP), in consultation with the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA), to report to the Energy and Environment Committee in 45 days on the feasibility of implementing a Sustainable Energy Financing District program in the City, modeled after the City of Berkeley's program, which would facilitate the purchase and installation of solar power systems in homes via the application of a voluntary property tax assessment.
2. DIRECT the LADWP to involve Neighborhood Councils and interested stakeholders in the development of the program and, in consultation with the CAO and the CLA, to include findings on program sustainability and funding as well as a component on the creation and promotion of green jobs as part of its report.

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

Community Impact Statement: None submitted.

ITEM NO. (18) - ADOPTED

Roll Call #3 - Motion (Hahn - LaBonge) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)

[08-1665-S1](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the Central Los Angeles Recycling and Transfer Station (CLARTS) Trust Funds for Fiscal Year 2007-08.

Recommendation for Council action:

NOTE and FILE the September 26, 2008 annual financial report for Fiscal Year 2007-08 from the Bureau of Sanitation relative to the CLARTS Trust Funds.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (19) - ADOPTED, AS AMENDED

Roll Call #12 - Motion (Hahn - LaBonge) to Adopt as Amended, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to the Appeal by the Coalition for a Safe Environment of the Board of Harbor Commissioners' certification of the Subsequent Environmental Impact Report (SEIR) and project approval of the Pacific L.A. Marine Terminal (PLAMT) Project, and the Harbor Department's response to the Appeal.

Recommendations for Council action:

1. HOLD a full, noticed public hearing, pursuant to State law, on the Appeal made by the Coalition for a Safe Environment (CSE) of the Board of Harbor Commissioner's certification of the Final SEIR for the PLAMT project and the Board's approval of the Project.
2. FIND that the Board of Harbor Commissioners acted appropriately and legally in certifying the SEIR and approving the Project, based on the evidence provided in the SEIR, which includes:
 - a. Mitigation measures that would avoid or substantially lessen the significant environmental impacts of the Project.
 - b. Determinations that certain identified mitigation measures are infeasible for specific economic, legal, social, technological or other reasons.
 - c. Specific economic, legal, social, technological or other benefits that support approval of the Project, notwithstanding any significant impacts that cannot be reduced to less-than-significant levels through mitigation.
3. DENY THE APPEAL, based on the conclusion that the appeal has provided insufficient grounds for granting the appeal, and the conclusion that the Harbor Department's Staff Report, the SEIR, the Findings and Statement of Overriding Findings, the Mitigation Monitoring and Reporting Program, the administrative record of the Board's actions in this matter, and the testimony presented at the hearings on this appeal provide sufficient and substantial evidence to support the Board's decision to certify the SEIR and approve the Project.

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

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (HAHN - LABONGE)

Recommendation for Council action:

ADOPT the following additional recommendation:

2.(d) Having confronted and considered the Subsequent Environmental Impact Report (SEIR), ADOPT the findings of the Board of Harbor Commissioners contained in the Findings of Fact and Statement of Overriding Considerations, which is part of Council file No. 08-3464, summarized in the Harbor Department Findings Report submitted to Council and incorporated herein by reference.

ITEM NO. (20) - ADOPTED

Roll Call #3 - Motion (Hahn - LaBonge) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and Wesson (5)

[09-0187](#)

GENERAL EXEMPTION, PERSONNEL COMMITTEE REPORT and RESOLUTION relative to authorization for the Los Angeles Department of Water and Power (LADWP) to access state and federal summary criminal history information for employment purposes.

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

1. FIND that the activity in question will not have a significant effect on the environment and that the Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3) and City CEQA Guidelines, Article II, (1) General Rule and General Exemption.
2. CONCUR with the Board of Water and Power Commissioners' action of January 21, 2009, Resolution No. 009-159, authorizing the LADWP to submit a request to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to allow LADWP access to state and federal summary criminal history information of LADWP employees, contractors, and volunteers for employment purposes; and to transfer \$127,500 from the LADWP Water Revenue Fund No. 01 to the Personnel Department (Fund 100/66, Revenue Source 4195, or such other fund as the Council may direct) during Fiscal Year 2008-09, to partially fund the increased fingerprint processing fees.
3. ADOPT the accompanying RESOLUTION, transmitted by the City Attorney, which states that:
 - a. The City of Los Angeles through its LADWP and Personnel Department are hereby authorized to access state and federal level summary criminal history information for employment, licensing, or certification purposes (including criminal history information for full and part-time employees, contract employees, and volunteers) and may not disseminate the information to a private entity.
 - b. The LADWP shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including full and part-time employees, contract employees, and volunteers), certification or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer work or license in question.

Fiscal Impact Statement: The City Administrative Officer reports that approval of this request would impact the General Fund (Personnel Department) by approximately \$127,500 this Fiscal Year and \$331,500 in Fiscal Year 2009-10 for a total of \$459,000. Annually, approximately 1,200 new LADWP employees are hired and will require background checks at a cost of \$61,000. The LADWP has agreed to pay for the first phase of the Priority One level of fingerprint background checks in Fiscal Year 2008-09 and will deposit funds in the amount of \$127,500 into the Personnel Department Account. Funds for background checks in Fiscal Year 2009-10 and beyond will be provided in future budgets.

Community Impact Statement: None submitted.

(Budget and Finance 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 background reports and materials related to this matter, please contact the Legislative Assistant for the Budget and Finance Committee at 213-978-1075.)

ADOPTED

GENERAL EXEMPTION, BUDGET AND FINANCE COMMITTEE REPORT and RESOLUTION relative to authorization for the Los Angeles Department of Water and Power to access federal, state, and local summary criminal history information for employment purposes.

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

CONCUR with the recommendations of the Personnel Committee relative to authorization for the Los Angeles Department of Water and Power to access federal, state, and local summary criminal history information for employment purposes.

Fiscal Impact Statement: The City Administrative Officer reports that approval of this request would impact the General Fund (Personnel Department) by approximately \$127,500 this Fiscal Year and \$331,500 in Fiscal Year 2009-10 for a total of \$459,000. Annually, approximately 1,200 new LADWP employees are hired and will require background checks at a cost of \$61,000. The LADWP has agreed to pay for the first phase of the Priority One level of fingerprint background checks in Fiscal Year 2008-09 and will deposit funds in the amount of \$127,500 into the Personnel Department Account. Funds for background checks in Fiscal Year 2009-10 and beyond will be provided in future budgets.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 21-36

(10 Votes Required for Consideration)

ITEM NO. (21) - ADOPTED

Roll Call #11 - Motion (LaBonge - Hahn) Adopted, Ayes (11); Absent: Alarcon, Huizar, Parks and President Garcetti (4)

07-3771

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE MAYOR relative to the reappointment of Ms. Chrissie M. Castro to the Los Angeles City/County Native American Indian Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Chrissie M. Castro to the Los Angeles City/County Native American Indian Commission for the new term ending October 7, 2013, is APPROVED and CONFIRMED. Ms. Castro resides in Council District Four. (Current Commission composition: M = 2; F = 2)

Background Check Review: Pending.

Ethics Commission Review: Pending.

Community Impact Statement: None submitted.

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

(Continued from the Council meeting of April 1, 2009)

ITEM NO. (22) - ADOPTED - ORDINANCE OVER ONE WEEK TO APRIL 22, 2009

Roll Call #24 - Motion (Zine - Reyes) Adopted, Ordinance Over One Week, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[06-2094](#)

CONTINUED CONSIDERATION OF EXEMPTION, COMMUNICATION FROM CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to Excess Flow Shut Off Valves as an option to Seismic Gas Shut Off Valves.

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

1. FIND that this action is exempt from California Environmental Quality Act, pursuant to Article II, Section 1 of the City's Guidelines.
2. PRESENT and ADOPT the accompanying ORDINANCE amending Section 94.1219.0 of the Los Angeles Municipal Code relative to the Excess Flow Shut Off Valve as an option to the Seismic Gas Shut Off Valve.

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

Community Impact Statement: None submitted.

(Planning and Land Use Management Committee waived consideration of the above matter)

(Continued from Council meeting of April 8, 2009)

**Roll Call #4 - Motion (Smith - Perry) Adopted, Ayes (11); Absent: Alarcon, Cardenas, Huizar and Parks (4)
(Item Nos. 23-27)**

ITEM NO. (23) - ADOPTED

[09-0005-S223](#)

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 (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of April 8, 2009:

[09-0005-S223](#)

CD 9

- a. Property at 134 West 60th Street (Case No. 162498).
Assessor I.D. No. 6005-016-033

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 15, 2008)

[09-0005-S224](#)

CD 9

- b. Property at 160 East 45th Street (Case No. 133371).
Assessor I.D. No. 5109-001-031

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 26, 2007)

[09-0005-S225](#)

CD 8

- c. Property at 1841 West Florence Avenue (Case No. 113235).
Assessor I.D. No. 6016-036-019

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 5, 2007)

[09-0005-S226](#)

CD 8

- d. Property at 1841 West Florence Avenue (Case No. 141897).
Assessor I.D. No. 6016-036-019

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 27, 2007)

ITEM NO. (24) - ADOPTED

[07-0471](#)

CD 5

COMMUNICATION FROM THE OFFICE OF THE CITY CLERK relative to the Fiscal Year (FY) 2009 Annual Planning Report for the Encino Commons Property-Based Business Improvement District (PBID).

Recommendations for Council action:

1. FIND that the Annual Planning Report for the Encino Commons PBID's 2009 fiscal year, attached to the Council file, complies with the requirements of the State Law.
2. ADOPT the Annual Planning Report for the Encino Commons PBID's 2009 fiscal year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs, Business Growth, and Tax Reform Committee waived consideration of the above matter)

ITEM NO. (25) - ADOPTED

[08-0739](#)

CD 7

COMMUNICATION FROM THE OFFICE OF THE CITY CLERK relative to the Fiscal Year (FY) 2009 Annual Planning Report for the Sylmar Property-Based Business Improvement District (PBID).

Recommendations for Council action:

1. FIND that the FY 2009 Annual Planning Report (attached to the City Clerk report dated March 31, 2009) for the Sylmar PBID complies with the requirements of the City's Landscaping, Security, Programming, and Maintenance (LSPM) PBID Ordinance.
2. ADOPT the FY 2009 Annual Planning Report for the Sylmar PBID, pursuant to the LSPM PBID Ordinance.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs, Business Growth, and Tax Reform Committee waived consideration of the above matter)

ITEM NO. (26) - ADOPTED

[09-0732](#)

CDs 4, 5 & 13

COMMUNICATION FROM THE OFFICE OF THE CITY CLERK relative to the Fiscal Year (FY) 2009 Annual Planning Report for the Hollywood Media District Property-Based Business Improvement District (PBID).

Recommendations for Council action:

1. FIND that the Annual Planning Report for the Hollywood Media District PBID'S 2009 fiscal year, attached to the Council file, complies with the requirements of the State Law.
2. ADOPT the Annual Planning Report for the Hollywood Media District PBID'S 2009 fiscal year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs, Business Growth, and Tax Reform Committee waived consideration of the above matter)

ITEM NO. (27) - ADOPTED

[07-1805](#)

CD 11

MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING PROGRAM, and COMMUNICATION FROM THE BOARD OF PUBLIC WORKS relative to the Santa Monica Canyon and Palisades Park Low Flow Diversion Upgrades and Coastal Interceptor Relief Sewer Project.

Recommendations for Council action:

1. FIND that Council has considered the proposed Mitigated Negative Declaration (State Clearinghouse No. 2008081044; BE 511-08) together with any comments received during the public review process and FIND on the basis of the whole record before it, including the Initial Study, that the proposed development and uses of the Santa Monica Canyon and Palisades Park Low Flow Diversion Upgrades and Coastal Interceptor Relief Sewer Project, that there is no substantial evidence that the Project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
2. ADOPT the Mitigated Negative Declaration, attached to the Council file.
3. APPROVE the Santa Monica Canyon and Palisades Park Low Flow Diversion Upgrades and Coastal Interceptor Relief Sewer Project as detailed in the April 1, 2009 Board of Public Works (BPW) report, attached to the Council file.
4. ADOPT the Mitigation Monitoring Program as detailed in the April 1, 2009 BPW report, attached to the Council file.
5. INSTRUCT the City Clerk to immediately notify Maria Martin of the Bureau of Engineering, Environmental Management Group at (213) 485-5753 of the adoption of the Negative Declaration and project approval so that a Notice of Determination can be filed with the Office of the County Clerk within five working days of the approval.

Fiscal Impact Statement: The BPW reports that the estimated total cost for the Santa Monica Bay Low Flow Diversion Upgrades Projects Package 1-4, which includes Package 3 and 4 is \$38,800,000. These projects will be entirely funded through Proposition O (Prop O). On August 18, 2008, Council approved \$5,980,000 in Prop O General Obligation Bond Funding (Council file No. 06-1235) to fund pre-design efforts. The balance of the funding for the construction of the projects (\$32,820,000) is pending consideration by the Prop O Citizens Oversight Advisory Committee and the Administrative Oversight Committee

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (28) - ADOPTED

Roll Call #25 - Motion (Weiss - Hahn) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0002-S16](#)

COMMUNICATION FROM CHIEF LEGISLATIVE ANALYST and RESOLUTION relative to the City's position on legislation requiring felons convicted of crimes related to destructive devices to register with local law enforcement agencies.

Recommendation for Council action, as initiated by Resolution (Weiss - Hahn), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying amended RESOLUTION to include in the City's 2009-10 State Legislative Program SPONSORSHIP of legislation requiring felons convicted of detonating, possessing, assembling or transporting weapons of mass destruction, explosives, and/or destructive devices, to register with local law enforcement agencies in the State of California.

Community Impact Statement: None submitted

(Rules and Government Committee waived consideration of the above matter)

ITEM NO. (29) - REFERRED TO HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

Roll Call #5 - Motion (Wesson - Perry) Adopted to Refer, Unanimous Vote (11); Absent: Alarcon, Cardenas, Huizar and Parks (4)

[09-0799](#)

CD 10

CONSIDERATION OF MOTION (WESSON - GARCETTI) relative to funding for the Rosa Parks Affordable Housing Development.

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

1. INSTRUCT the General Manager, Los Angeles Housing Department (LAHD), to make available \$1,663,840 from the Hollywood Redevelopment Project Area five percent set-aside funds provided through the City's Affordable Housing Trust Fund for a period of 90 days.
2. AUTHORIZE the LAHD to prepare Controller instructions and to make any necessary technical adjustments and corrections consistent with the intent of the Motion, subject to the review of the City Administrative Officer and AUTHORIZE the Controller to implement these instructions.

Community Impact Statement: None submitted.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

ITEM NO. (30) - ADOPTED

Roll Call #26 - Motion (Perry - LaBonge) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0791](#)

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:

[09-0791](#)

CD 13

- a. MOTION (GARCETTI - PERRY) relative to declaring the Hugh Jackman Hand and Footprint Ceremony on April 21, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-0792](#)

CD 13

- b. MOTION (GARCETTI - PERRY) relative to declaring the Depeche Mode Concert on April 23, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-0793](#)

CD 13

- c. MOTION (GARCETTI - PERRY) relative to declaring the XMen Origins: Wolverine on April 28, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[08-0933-S1](#)

CD 13

- d. MOTION (GARCETTI - PERRY) relative to declaring the UYA March on April 24, 2009 a Special Event (fees and costs absorbed by the City = \$7,947).

[09-0794](#)

CD 5

- e. MOTION (WEISS - LABONGE) relative to declaring the Friends of Fairburn Block Party on April 26, 2009 a Special Event (fees and costs absorbed by the City = \$1,008).

[08-2203-S1](#)

CD 4

- f. MOTION (LABONGE - WEISS) relative to declaring the Fifth Annual Run for Her 5K Run and Friendship Walk on November 15, 2009 a Special Event (fees and costs absorbed by the City = \$8,515).

[07-3526-S2](#)

CD 9

- g. MOTION (PERRY - GARCETTI) relative to declaring the Raw Inspiration Pershing Square Farmers' Market on April 9, 2009 to April 8, 2010 a Special Event (fees and costs absorbed by the City = \$42,000. Department of Recreation and Parks costs will be reimbursed by the event sponsor).

[09-0795](#)

CD 9

- h. MOTION (PERRY - GARCETTI) relative to declaring the Annual AFTRA/SAG Diversity Awards on June 29, 2009 a Special Event (fees and costs absorbed by the City = \$1,000).

[09-0796](#)

CD 9

- i. MOTION (PERRY - GARCETTI) relative to declaring the LAUSD Career Day on May 7, 2009 a Special Event (fees and costs absorbed by the City = \$1,000).

[09-0739-S1](#)

CD 9

- j. MOTION (PERRY - GARCETTI) relative to declaring the First Annual Mothers Day Affair on May 9, 2009 a Special Event (fees and costs absorbed by the City = \$1,984).

[08-0946-S1](#)

CD 7

- k. MOTION (CARDENAS for ALARCON - REYES) relative to declaring the Job and Career Fair on April 16, 2009 a Special Event (fees and costs absorbed by the City = \$384).

[09-0804](#)

CD 11

- l. MOTION (ROSENDAHL - HAHN) relative to declaring the Flavor of Los Angeles on May 17, 2009 a Special Event (fees and costs absorbed by the City = \$2,264).

[08-0421-S1](#)

CD 10

- m. MOTION (WESSON - LABONGE) relative to declaring the Wilshire Center Business Improvement Corporation Second Annual Earth Day/Car Free Day on April 22, 2009 a Special Event (fees and costs absorbed by the City = \$5,000).

ITEM NO. (31) - CONTINUED TO APRIL 22, 2009

**Roll Call #7 - Motion (Perry - Reyes) Adopted to Continue, Unanimous Vote (11); Absent: Alarcon, Huizar, Parks and President Garcetti (4)
(Item Nos. 31-32)**

[09-0010-S27](#)

MOTION (PARKS - HUIZAR) relative to an offer of reward for information leading to the identification, apprehension and conviction of the person(s) responsible for the injuries sustained by a six-year old and his brother during a hit-and-run motor vehicle collision on February 6, 2009.

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

1. PROVIDE an offer of reward in the amount of \$25,000 for information leading to the identification, apprehension and conviction of the person(s) responsible for the injuries sustained by a six-year old and his brother during a hit-and-run motor vehicle collision on February 6, 2009.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

ITEM NO. (32) - CONTINUED TO APRIL 22, 2009

[08-0010-S42](#)

MOTION (PARKS - LABONGE) relative to reinstating the reward offer in the deaths of Shelton Sumerall and Monica Youngblood for an additional six months.

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

REAFFIRM Councils findings and REINSTATE the reward offer relative to the deaths of Shelton Sumerall and Monica Youngblood (Council action of August 13, 2008, Council file No. 08-0010-S42) for an additional period of six months from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$75,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

**Roll Call #4 - Motion (Smith - Perry) Adopted, Ayes (11); Absent: Alarcon, Cardenas, Huizar and Parks (4)
(Item Nos. 33-34)**

ITEM NO. (33) - ADOPTED

[08-3466](#)

CD 5

MOTION (WEISS - GRUEL) relative to the Grove Neighborhood Traffic Management Plan.

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

AMEND Council action of January 27, 2009 relative to the Grove Neighborhood Traffic Management Plan, as follows:

- a. Revise recommendation number 3, as follows:

Authorize the Controller to transfer \$113,300 from the LADOT NTM Fund No. 47H/94, Account No. C210 (Grove at Farmer's Market) to the following accounts for work to be performed in Fiscal Year 2008-09: \$39,300 to LADOT Fund No. 100/94, Account No. 1090 (Salaries-Overtime and \$74,000 to Department of Public Works, ~~BOE Fund No. 100/78, Account "Century City Neighborhood Traffic Protection Trust Fund No. 47M"~~ (New subaccount entitled "Grove NTM Sixth Street Island) BSS Fund No. 100/86, to the following account:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries, General	\$40,000
3030	Construction Expense	20,000
3040	Contractual Services	4,000
6020	Operating Supplies	<u>10,000</u>
Total		\$74,000

- b. Authorize the Chief Legislative Analyst, or designee, to make technical corrections as necessary to effectuate the Council's intent regarding this matter.

ITEM NO. (34) - ADOPTED

[09-0011-S21](#)

CD 9

MOTION (PERRY - REYES) relative to funding additional staff to focus on transit related projects, sidewalk projects, curb/sidewalk improvements and all expenses relating or incidental thereto, as well as on general services to the community in Council District Nine.

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

1. TRANSFER \$74,000 in the Council District Nine portion of the Street Furniture Revenue Fund No. 43D/50 to the Council District Nine portion of the Council Fund No. 100/28, Account No. 1010 (Salaries-General) to provide funding for enhanced efforts relative to transit related projects, sidewalk projects, curb/sidewalk improvements and all expenses relating or incidental there to in Council District Nine.
2. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion.

ITEM NO. (35) - ADOPTED, AS AMENDED

Roll Call #13 - Motion (Rosendahl - Hahn) to Adopt as Amended, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[08-1878-S1](#)

CD 11

MOTION (ROSENDAHL - HAHN) relative to funding for contractual services associated with filing the Coastal Development Permit applications relative to Preferential Parking District No. 27.

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

TRANSFER \$30,000 from the Department of Transportation Fund No. 100/94, Account No. 3040 (Contractual Services) to the Bureau of Engineering Fund No. 100/78, Account No. 3040 (Contractual Services) for contractual services associated with filing the Coastal Development Permit applications relative to Preferential Parking District No. 27.

ADOPTED

AMENDING MOTION (ROSENDAHL - SMITH)

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

TRANSFER from the Los Angeles Department of Transportation Fund No. 100/94 Account No. 3040 (Contractual Services) to the Bureau of Engineering Special Services Fund No. 682/50 Account No. 4610 (Reimbursements from Other Funds/Departments). Upon transfer of the funds, the Bureau of Accounting will establish an appropriations account to be entitled "Preferential Parking District 27 - Playa del Rey" for contractual services associated with filing the Coastal Development Permit applications relative to Preferential Parking District No. 27.

ITEM NO. (36) - ADOPTED

Roll Call #9 - Motion (LaBonge - Perry) Adopted, Ayes (11); Absent: Alarcon, Huizar, Parks and President Garcetti (4)

[09-0797](#)

RESOLUTION (REYES - LABONGE - PARKS) relative to declaring April 15, 2009 as Jackie Robinson Day in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE April 15, 2009 as Jackie Robinson Day in the City of Los Angeles.

Closed Sessions - Items 37-44

ITEM NO. (37) - CONTINUED TO APRIL 22, 2009

Roll Call #14 - Motion (Greuel - Hahn) Adopted to Continue, Unanimous Vote (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[08-1150](#)

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 Donald Bender v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC361139. (This case arises from a Los Angeles Police Department officer who alleges retaliation as a result of engaging in protected activity on behalf of Patricia Fuller in Bomb K-9 Squad at LAX.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ITEM NO. (38) - MOTION ADOPTED

Roll Call #15 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0418](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Peter Tagliaferri v. City of Los Angeles, Los Angeles Superior Court Case No. LC080574. (This action arises from a trip and fall incident which occurred on June 2, 2007.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

Recommendation for Council action:

ADOPT the recommendation of the City Attorney in connection with the case entitled Peter Tagliaferri v. City of Los Angeles, Los Angeles Superior Court Case No. LC080574. (This action arises from a trip and fall incident which occurred on June 2, 2007.)

ITEM NO. (39) - MOTION ADOPTED

Roll Call #16 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0419](#)

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 Marilyn Williams v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. MON276285, et al., Claim Nos. 9001-2000-2358, et al. (Claimant alleges she sustained personal injuries during the course and scope of her employment as a clerk typist with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

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

- 1. AUTHORIZE the City Attorney to enter into a settlement in the case entitled Marilyn Williams v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. MON276285, et al., Claim Nos. 9001-2000-2358, et al., through a Stipulated Award for 88 percent permanent disability or \$135,355.00, payable at \$230.00 per week.**
- 2. AUTHORIZE the City Attorney to execute the Stipulated Award with all appropriate parties for submission to the Workers' Compensation Appeals Board for its award of payment.**

ITEM NO. (40) - MOTION ADOPTED

Roll Call #17 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0422](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled George Ibarra v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC377764. (This case arises from plaintiff's claims of racial discrimination, disability discrimination and harassment with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

Recommendation for Council action:

ADOPT the recommendation of the City Attorney in connection with the case entitled George Ibarra v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC377764. (This case arises from plaintiff's claims of racial discrimination, disability discrimination and harassment with the Los Angeles Police Department.)

ITEM NO. (41) - MOTION ADOPTED

Roll Call #18 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0490](#)

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 John Parker v. City of Los Angeles, Workers' Compensation Appeals Board Case No. VNO536515; Claim No. 9003-1973-9126. (Claimant alleges he sustained personal injuries during the course and scope of his employment as a Firefighter/Engineer with the Los Angeles Fire Department.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

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

- 1. AUTHORIZE the City Attorney to enter into a settlement in the case entitled John Parker v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO536515, Claim No. 9003-1973-9126, through a Stipulated Award for 82 percent permanent disability or \$168,817.50, plus a life pension thereafter payable at \$170.08 per week.**

2. **AUTHORIZE the City Attorney to execute the Stipulated Award with all appropriate parties for submission to the Workers' Compensation Appeals Board for its award of payment.**

ITEM NO. (42) - MOTION ADOPTED

Roll Call #19 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0491](#)

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 David Perez v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO535002, et al.; Claim Nos. 9003-2005-0780, et al. (Claimant alleges he sustained personal injuries during the course and scope of his employment as a Firefighter/Apparatus Operator with the Los Angeles Fire Department.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

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

1. **AUTHORIZE the City Attorney to enter into a settlement in the case entitled David Perez v. City of Los Angeles, Workers' Compensation Appeals Board Case Nos. VNO535002, et al.; Claim Nos. 9003-2005-0780, et al., through Stipulated Awards, as follows:**
 - a. **78 percent permanent disability or \$151,537.50, plus a life pension thereafter payable at \$139.15 per week;**
 - b. **Six percent permanent disability or \$4,140.50.**
2. **AUTHORIZE the City Attorney to execute the Stipulated Awards with all appropriate parties for submission to the Workers' Compensation Appeals Board for its award of payment.**

ITEM NO. (43) - MOTION ADOPTED

Roll Call #20 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0492](#)

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 Thomas Moran v. City of Los Angeles, Workers' Compensation Appeals Board Case No. VNO542144; Claim No. 9003-1964-4138. (Claimant alleges he sustained personal injuries during the course and scope of his employment as a Firefighter/Fire Captain with the Los Angeles Fire Department.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

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

1. **AUTHORIZE** the City Attorney to enter into a settlement in the case entitled Thomas Moran v. City of Los Angeles, WCAB Case No. VNO542144, Claim No. 9003-1964-4138, through a Stipulated Award for 78 percent permanent disability or \$151,537.50, plus a life pension thereafter payable at \$139.15 per week.
2. **AUTHORIZE** the City Attorney to execute the Stipulated Award with all appropriate parties for submission to the WCAB for its award of payment.

ITEM NO. (44) - MOTION ADOPTED

Roll Call #21 - Motion (Smith - Rosendahl) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0543](#)

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 Jed Simon v. City of Los Angeles, Los Angeles Superior Court Case No. BC354584. (Plaintiff seeks damages for inverse condemnation.)

(Budget and Finance Committee considered the above matter in Closed Session on April 6, 2009.)

ADOPTED

MOTION (SMITH - ROSENDAHL)

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

1. **APPROVE** the City Attorney's settlement recommendation in the case entitled Jed Simon v. City of Los Angeles, Los Angeles Superior Court Case No. BC354584, by the City agreeing to pay the plaintiff the sum of \$16,800 and to grade the hillside at a cost of \$2,010,000.
2. **AUTHORIZE** the City Attorney to execute the necessary settlement documents to carry out the settlement in accordance with the above terms.
3. **AUTHORIZE** and **INSTRUCT** the City Attorney, without further instructions, to draw the necessary demand payable to Jed Simon in the amount of \$16,800 from the Liability Claims Account No. 9760, Fund 100/59, so that the settlement can be implemented.
4. **APPROPRIATE** the sum of \$2,010,000 to the budget of the Capital Improvement Project List for the grading of the hillside.

5. **INSTRUCT the Bureau of Engineering to plan and implement the project so that grading is commenced no later than June 30, 2010 and completed no later than December 31, 2011.**

Item for Which Public Hearing Has Been Held - Item 45

ITEM NO. (45) - ADOPTED

Roll Call #27 - Motion (Hahn - LaBonge) Adopted, Ayes (10); Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5)

[09-0461](#)

CONTINUED CONSIDERATION OF ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to the first amendment to the agreement between the City and Sasaki Associates for professional planning, design and support services for the Wilmington Waterfront Development Program to extend the term from three years to six years.

Recommendations for Council action:

1. FIND that this action is exempt from the requirements of the California Environmental Quality Act (CEQA) as provided by Article II, Section 2(f) and 2 (d) of the Los Angeles City CEQA Guidelines.
2. APPROVE First Amendment to Agreement No. 2425 with Sasaki Associates for professional planning, design and support services for the Wilmington Waterfront Development Program to extend the term from three years to six years.
3. CONCUR with the Board of Harbor Commissioners (Board) action on December 8, 2008 authorizing the Executive Director, Harbor Department (Port), to execute First Amendment to the contract with Sasaki Associates.

Fiscal Impact Statement: The Board reports that this action will not impact the General Fund. Approval of the proposed First Amendment to Port Agreement No. 08-2425 with Sasaki Associates will extend the contract term by three years to a total of six years for planning, engineering design and support services for the Wilmington Waterfront Development Program. The original agreement included a compensation fee of \$12,060,250. No increase in compensation is being requested at this time; however, the Port anticipates that additional compensation will be required during the proposed three-year amendment to support scope of work changes and construction. The Port funds are available to fund the proposed Agreement with Sasaki within this fiscal year (FY 2008-09) and will be budgeted, as needed, over the life of the Agreement. Since the Port is only bound by the City Debt Management Policies, the City Financial Policies are not applicable. Funding will be provided by the Harbor Revenue Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - APRIL 28, 2009

(LAST DAY FOR COUNCIL ACTION - APRIL 28, 2009)

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

[07-1441-S1](#)

MOTION (PERRY - ROSENDAHL) relative to declaring the Fifth Annual MusiCares MAP Fund Benefit Concert on May 8, 2009 a Special Event (fees and costs absorbed by the City = \$5,104).

[09-0838](#)

MOTION (LABONGE - GARCETTI) relative to declaring the Hope Walk 2009 on June 13, 2009 a Special Event (fees and costs absorbed by the City = \$4,946).

[09-0839](#)

MOTION (PERRY for PARKS - LABONGE) relative to declaring the Fourth Annual 5K Walk All Over Cancer Walk-a-Thon & Multi-Cultural Festival--Gift for Life on April 25, 2009 a Special Event (fees and costs absorbed by the City = \$2,148).

[08-0938-S1](#)

MOTION (WEISS - ROSENDAHL) relative to declaring the Los Angeles Times Festival of Books on April 25, 2009 a Special Event [fees and costs absorbed by the City = \$3,112.12 (costs) and \$312 (fees)].

[07-2923-S1](#)

MOTION (CARDENAS - HUIZAR) relative to declaring the St. Elisabeth's Church Annual Community Festival and Fair on April 30, through May 3, 2009 a Special Event (fees and costs absorbed by the City = \$1,000).

[07-1129-S1](#)

MOTION (ROSENDAHL - WEISS) relative to declaring the Brentwood Glen Day on April 25, 2009 a Special Event (fees and costs absorbed by the City = \$1,691).

[08-1021-S1](#)

MOTION (ROSENDAHL - CARDENAS) relative to declaring the 2009 Venice Garden and Home Tour on May 2, 2009 a Special Event (fees and costs absorbed by the City = \$1,349).

[07-0516-S1](#)

MOTION (WEISS - HAHN) relative to declaring the Eighth Annual Walk-a-Mile in Her Shoes - Men's March to End Violence Against Women on April 25, 2009 a Special Event (fees and costs absorbed by the City = \$1,188).

[09-0841](#)

MOTION (ROSENDAHL - SMITH) relative to declaring the Canyon Charter School Fiesta on April 26, 2009 a Special Event (fees and costs absorbed by the City = \$2,563).

[07-1913-S1](#)

MOTION (ROSENDAHL - GARCETTI) relative to the Arbor Vitae Street Widening - La Cienega Boulevard to Airport Boulevard project.

[08-0939-S1](#)

MOTION (WEISS - GARCETTI) relative to trends and issues in sexual assault prevention and services for survivors.

[09-0842](#)

MOTION (PERRY - WESSON) relative to funding for Council District Nine community services.

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

09-0726 - Windell Wells Jones, Sr.	(LaBonge - Hahn - All Councilmembers)
Walter (Wally) N. Marks, Jr.	(Rosendahl - LaBonge - All Councilmembers)
Jennifer Pak	(Wesson - All Councilmembers)
Linda Rausch	(Reyes - All Councilmembers)
Lesley Taplin	(Perry)
Jacob Ramsey	(Perry - All Councilmembers)
Beatrice Jourdain Richie	(Perry - Wesson)
Jerome Waldie	(Wesson)

**Ayes, Greuel, Hahn, LaBonge, Perry, Reyes, Rosendahl, Smith, Weiss, Wesson and Zine (10);
Absent: Alarcon, Cardenas, Huizar, Parks and President Garcetti (5).**

Whereupon the Council did adjourn.

ATTEST: Karen E. Kalfayan, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL