

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

Friday, **May 1, 2009**

Van Nuys City Hall, 14410 Sylvan Street, Van Nuys, CA 91401 - 10 am

(For further details see Official Council Files)

**(For communications referred by the President see Referral Memorandum)**

**ROLL CALL - Members present: Cardenas, Greuel, Hahn, Huizar, Parks, Reyes, Rosendahl, Smith, Weiss, Wesson and President Garcetti (11); Absent: Alarcon, LaBonge, Perry and Zine (4).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF APRIL 28, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 15

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PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR -

An opportunity for public testimony was provided.

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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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## **Items for Which Public Hearings Have Been Held - Items 1-5**

**Roll Call #1 - Motion (Hahn - Huizar) Adopted to Continue, Unanimous Vote (11); Absent: Alarcon, LaBonge, Perry and Zine (4)  
(Item Nos. 1-4)**

### **ITEM NO. (1) - CONTINUED TO MAY 5, 2009**

[08-0265](#)

ADMINISTRATIVE EXEMPTION, TRADE, COMMERCE AND TOURISM COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2005, and 2030, Clean Air Action Plan- General Rules and Regulations, concerning drayage trucks and the Clean Truck Program (CTP).

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

1. FIND that Permanent Order No. 08-6973 amending the Port Tariff to modify various requirements is exempt from the requirements of the California Environmental Quality (CEQA) in accordance with Sections 15273, 15301 (d) and 15061 (b) (3), of the State's CEQA Guidelines.
2. CONCUR with the Board of Harbor Commissioners' (Board) action taken October 23, 2008, approving Permanent Board Order No. 08-6973 to amend Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2005, and 2030, Clean Air Action Plan- General Rules and Regulations, concerning drayage trucks and the Clean Truck Program.

3. PRESENT and ADOPT the accompanying ORDINANCE, approving Permanent Board Order No. 08-6973 to amend Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2005, and 2030, Clean Air Action Plan - General Rules and Regulations, concerning drayage trucks and the Clean Truck Program.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approval of the Harbor Department (Port) request to amend Item Numbers 2000, 2005 and 2030 under the Port of Los Angeles Tariff No.4, Section No. 20, of the Clean Air Action Plan will change and clarify provisions in the CTP. The proposed Amendment to Tariff No.4 will primarily clarify the existing language in the Tariff and have minimal changes on the overall CTP and its fee collection component under the Clean Truck Fees Program. An estimated revenue amount of less than one percent or approximately \$1 million will be lost by exempting fees from United States military cargo containers entering and leaving the Port. There is no additional revenue loss anticipated. The City Financial Policies are not applicable. Funding is provided from and to the Harbor Revenue Fund.

Community Impact Statement: None submitted.

## **ITEM NO. (2) - CONTINUED TO MAY 5, 2009**

[09-0243](#)

ADMINISTRATIVE EXEMPTION, TRADE, COMMERCE AND TOURISM COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Port of Los Angeles Tariff No. 4, Section 3, Item 370, Charges for Vessel Traffic Service (VTS).

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

1. FIND that Permanent Order No. 08-6975 amending the Port Tariff to increase the VTS User Fees by approximately 7.5 percent is exempt from the requirements of the California Environmental Quality (CEQA) in accordance with Article II, Section 2(f), of the City's CEQA Guidelines.
2. CONCUR with the Board of Harbor Commissioners' action taken November 20, 2008, approving Permanent Board Order No. 08-6975 amending the Port of Los Angeles Tariff No. 4, Section 3, Item 370, Charges for VTS.
3. PRESENT and ADOPT the accompanying ORDINANCE, approving Permanent Board Order No. 08-6975 amending the Port of Los Angeles Tariff No. 4, Section 3, Item 370, Charges for VTS.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approval of the request by the Harbor Department (Port) to amend Tariff No.4 will have no direct financial impact on the Port. The Port is requesting an increase in the VTS User Fees by approximately 7.5 percent, or an average of \$26 per vessel, because of rising operating costs (for computer support, maintenance and insurance), a loss of revenue due to an eight percent decline in the number of ship arrivals in 2008 and cost cutting of \$145,000 from a \$2,476,000 annual operating budget. Since the Port is only bound by the City Debt Management Policies, the City Financial Policies are not applicable. Proceeds from the increased VTS User Fees will be deposited in the Harbor Revenue Fund.

Community Impact Statement: None submitted.

**ITEM NO. (3) - CONTINUED TO MAY 5, 2009**

[09-0258](#)

ADMINISTRATIVE EXEMPTION, TRADE, COMMERCE AND TOURISM COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2010, 2020, 2025, 2030, 2035, 2040, and 2050 Clean Air Action Plan (CAAP) - General Rules and Regulations.

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

1. FIND that Permanent Order No. 08-6971 amending the Port Tariff to modify various requirements is exempt from the requirements of the California Environmental Quality (CEQA) in accordance with Sections 15273, 15301 (d) and 15061 (b) (3), of the City's CEQA Guidelines.
2. CONCUR with the Board of Harbor Commissioners' (Board) action taken August 21, 2008, approving Permanent Board Order No. 08-6971 amending the Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2010, 2020, 2025, 2030, 2035, 2040, and 2050 CAAP General Rules and Regulations, as transmitted by the Board's report dated April 7, 2009.
3. PRESENT and ADOPT the accompanying ORDINANCE, approving Permanent Board Order No. 08-6971 amending the Port of Los Angeles Tariff No. 4, Section 20, Items 2000, 2010, 2020, 2025, 2030, 2035, 2040, and 2050 CAAP - General Rules and Regulations.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approval of the request by the Harbor Department (Port) to amend Tariff No.4 Section No. 20, Item Numbers 2000,2010,2020,2025, 2030, 2040 and 2050, will modify the provisions and allow the use of funds under Item No. 2035, Clean Truck Fund, for the EPA 2007 Compliant Truck Incentive Program. There are initial and ongoing costs (in excess of \$8.4 million) estimated by the Port for the proposed Amendment that have been identified and budgeted for; contingent upon participation by licensed motor carriers in the CAAP Heavy Duty Drayage Truck Program and Clean Truck Program (CTP). The Mayor and Council previously approved funding by the Board for various programs under CAAP, including the CTP, Clean Truck Fee/Fund, Infrastructure Cargo Fee and Liquefied Natural Gas Truck Program. The City Financial Policies are not applicable. Funding is provided from the Harbor Revenue Fund.

Community Impact Statement: None submitted.

**ITEM NO. (4) - CONTINUED TO MAY 5, 2009**

[09-0563](#)

CONTINUED CONSIDERATION OF ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE AND TOURISM COMMITTEE REPORT relative to the Permanent Board Order (Order) No. 08-6642 amending the Port of Los Angeles Tariff No. 4, for the Clean Truck Program (CTP) Participation Agreements (PA) and Authority Delegation.

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 (i) of the Los Angeles City CEQA Guidelines.

2. APPROVE Order No. 08-6642 proposed PA's with the CTP grant recipients: San Pedro Bay Ports Clean Trucks Program Truck Replacement Funding Participation Agreement (Subsidized Lease); San Pedro Bay Ports Clean Truck Program Truck Replacement Funding Participation Agreement (Proposition 1B); and San Pedro Bay Ports Clean Truck Program Truck Replacement Funding Participation Agreement (Purchase Subsidy).
3. CONCUR with the Board of Harbor Commissioners (Board) action on October 23, 2008 authorizing the Executive Director, Harbor Department (Port), to execute the Participation Agreements with the CTP grant recipients.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. Approvals of the PA's are legal contracts that will provide financial incentives and grant funding for eligible participants under the CTP. Total funding for the proposed Agreements will be contingent upon the number and eligibility of applicants for the subsidized leases and loans and Proposition 1B (Prop 1B) grant funding awards. The Port estimates that the total estimated cost for the subsidized programs will be approximately \$250 million to fund approximately 2,000 alternative fuels trucks. The Prop 1B funds will not affect Port funding except in the case of a default by CTP Participants. The proposed Amendments to the Tariff will have no impact on the City General Fund and the City Financial Policies are not applicable. Funding is provided from the Harbor Revenue Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MAY 15, 2009

(LAST DAY FOR COUNCIL ACTION - MAY 15, 2009)

(Continued from Council meeting of April 24, 2009)

## ITEM NO. (5) - ADOPTED

**Roll Call #2 - Motion (Parks - Reyes) Adopted, Ayes (11); Absent: Alarcon, LaBonge, Perry and Zine (4)**

[08-2623](#)

BUDGET AND FINANCE and HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEES' REPORTS relative to the Cost Allocation Plan (CAP) Rate Study and Grants.

### A. BUDGET AND FINANCE COMMITTEE REPORT

Recommendations for Council action:

1. NOTE and FILE the City Administrative Officer (CAO) report dated March 4, 2009, inasmuch as the CAO has been asked to provide a follow-up report on the matter.
2. INSTRUCT, the CAO, with the assistance of the Controller, to report back to the Council in 120 days with a follow-up report and recommendations on the use of CAP Rates and Other Indirect Cost Rates in calculating cost reimbursement for non-federal grant applications including permits, bond construction programs and fees for services.

3. REQUEST the Controller and INSTRUCT the CAO to provide training to all non-proprietary City departments on the proper use of CAP Rates and Other Indirect Cost Rates to recover indirect costs from both federal and non-federal sources.

## B. HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT

Recommendations for Council action:

1. INSTRUCT City departments (except Harbor, Airports and Department of Water and Power) to:
  - a. Collaborate closely with the Controller in the preparation, analysis and review of the CAP data and preliminary indirect cost rates.
  - b. Seek advice and guidance from the Controller regarding the use of CAP indirect cost rates for budget planning and billing of grant programs, for fee calculations, cost analyses and cost comparisons, and for billing non-grant City customers.
  - c. Discuss with the Controller any identified need for alternate or special indirect cost rate calculations or desirable changes to the existing CAP cost centers.
  - d. Continue using the federally-approved CAP "Fixed With Carry Forward" indirect cost rates, as published by the Controller, for purposes of providing to the Mayor and Council information regarding the total cost, direct and indirect, of grant programs, unless advised differently by the Controller.
  - e. Include a Fiscal Impact Statement that quantifies the amount of grant program cost to be paid by the City when an indirect cost rate lower than the published CAP rate is used.
  - f. Continue using the federally-approved CAP "Fixed With Carry Forward" indirect cost rates for purposes of budgeting and billing grant programs for indirect costs, unless the grantor forbids, restricts or limits such use, or the Mayor and Council make a policy decision to authorize the use of lower indirect cost rates, or the Controller advises the use of different rates.
2. INSTRUCT the City Administrative Officer (CAO) and Chief Legislative Analyst, taking into account the information contained in the CAO report dated March 4, 2009 (attached to the Council file), to discuss in a separate report the details, options and comparative totals for the 2009-10 Community Development Block Grant budget and other grants within the Housing and Urban Development Consolidated Plan and provide specific recommendations regarding how to apportion grant funds and City funds to pay for direct and indirect Program costs and Grant Administration costs.

Fiscal Impact Statement: The CAO reports that approval of the recommendations in this report will not have an immediate impact on the General Fund. Impacts to the General Fund will occur when City departments provide cost information and the Council and Mayor make decisions regarding grant program funding, special services fees, customer billings and cost comparisons.

Community Impact Statement: None submitted.

## Items for Which Public Hearings Have Not Been Held - Items 6-11

(10 Votes Required for Consideration)

### ITEM NO. (6) - NO ACTION REQUIRED

#### [09-0648](#)

CONSIDERATION OF AND AUTHORITY TO submit potential grant applications in order to meet deadlines established by the Federal Government to secure American Recovery and Reinvestment Act of 2009 funding for the City of Los Angeles, and related discussions.

(Pursuant to Council action of April 7, 2009)

### ITEM NO. (7) - ADOPTED

#### Roll Call #4 - Motion (Huizar - LaBonge) Adopted, Ayes (12); Absent: Perry, Weiss and Zine (3)

#### [09-0005-S262](#)

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 24, 2009:

#### [09-0005-S262](#)

CD 1

- a. Property at 1634 South Arapahoe Street aka 1634 7/8 Arapahoe Street (Case No. 218962)  
Assessor I.D. No. 5056-010-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 19, 2009)

#### [09-0005-S263](#)

CD 13

- b. Property at 233 North Robinson Street (Case No. 128571)  
Assessor I.D. No. 5156-003-009

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 9, 2007)

#### [09-0005-S264](#)

CD 13

- c. Property at 3360 West Descanso Drive aka 3360 1/2 North Descanso Street (Case No. 215447)  
Assessor I.D. No. 5426-010-021

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 5, 2009)

[09-0005-S265](#)

CD 8

- d. Property at 5861 South Wilton Place (Case No. 6608)  
Assessor I.D. No. 6001-002-041

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 11, 2003)

[09-0005-S266](#)

CD 8

- e. Property at 7014 South Vermont Avenue aka 7018 1/2 South Vermont Avenue (Case No. 100669)  
Assessor I.D. No. 6013-003-002

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 18, 2007)

[09-0005-S267](#)

CD 13

- f. Property at 929 North Hyperion Avenue aka 933 North Hyperion Avenue (Case No. 188585)  
Assessor I.D. No. 5427-008-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 2, 2008)

**ITEM NO. (8) - ADOPTED**

**Roll Call #5 - Motion (Rosendahl - Smith) Adopted, Ayes (12); Absent: Perry, Weiss and Zine (3)**

[09-0941](#)

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:

[09-0941](#)

CD 13

- a. MOTION (GARCETTI - LABONGE) relative to declaring the GEN ART on April 22, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-0942](#)

CD 13

- b. MOTION (GARCETTI - LABONGE) relative to declaring the Atwater Village Farmers' Market on April 26, 2009 to May 3, 2009 a Special Event (fees and costs absorbed by the City = \$3,678).

[09-0940](#)

CD 6

- c. MOTION (PARKS for CARDENAS - LABONGE) relative to declaring the Spring Fling 2009 on April 25-26, 2009 a Special Event (fees and costs absorbed by the City = \$500).

[09-0939](#)

CD 8

- d. MOTION (PARKS - LABONGE) relative to declaring the Barack the Block BBQ on May 1, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-0931](#)

CD 14

- e. MOTION (HUIZAR - ALARCON) relative to declaring the Veracruzana Celebration on April 25, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-0930](#)

CD 11

- f. MOTION (ROSENDAHL - SMITH) relative to declaring the First Annual Expo Fair-2009 on May 17, 2009 a Special Event (fees and costs absorbed by the City = \$4,770).

[08-0999-S1](#)

CD 1

- g. MOTION (REYES - ROSENDAHL) relative to declaring the Tamale de la Paz on April 30, 2009 a Special Event (fees and costs absorbed by the City = \$500).

[09-0934](#)

CD 1

- h. MOTION (REYES - ROSENDAHL) relative to declaring the Memorial Day Festival on May 23-24, 2009 a Special Event (fees and costs absorbed by the City = \$6,000).

[09-0937](#)

CD 14

- i. MOTION (HUIZAR - LABONGE) relative to declaring the State Street Baseball Opening Day Ceremony on April 25, 2009 a Special Event (fees and costs absorbed by the City = \$3,320).

[07-0712-S1](#)

CD 9

- j. MOTION (PERRY - PARKS) relative to declaring the Mother's Day Banquet on May 10, 2009 a Special Event (fees and costs absorbed by the City = \$1,660).

[09-0938](#)

CD 11

- k. MOTION (ROSENDAHL - SMITH) relative to declaring the Founders Day Celebration on May 1, 2009 a Special Event (fees and costs absorbed by the City = \$1,498).

[09-0932](#)

CD 11

- l. MOTION (ROSENDAHL - SMITH) relative to declaring the Officer Tommy Edward Scott Memorial and Street Dedication Ceremony on May 2, 2009 a Special Event (fees and costs absorbed by the City = \$3,218).



**ITEM NO. (9) - ADOPTED**

**Roll Call #3 - Motion (Greuel - Smith) Adopted, Ayes (11); Absent: Alarcon, LaBonge, Perry and Zine (4)**

09-0010-S30

MOTION (SMITH - ROSENDAHL) relative to an offer of reward for information leading to the identification, apprehension and conviction of the person(s) responsible for the April 11, 2009 assault and subsequent death of Haik Oganyan.

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

1. PROVIDE an offer of reward in the amount of \$50,000 for information leading to the identification, apprehension and conviction of the person(s) responsible for the assault and subsequent death of Haik Oganyan.
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.

**Roll Call #6 - Motion (Greuel - Hahn) Adopted, Ayes (12); Absent: Perry, Weiss and Zine (3)  
(Item Nos. 10-11)**

**ITEM NO. (10) - ADOPTED**

08-1327-S2

CD 5

MOTION (WEISS - GREUEL) relative to the funding to assist the Mountains Recreation and Conservation Authority (MRCA) in the purchase of six acres of privately held land at the corner of Laurel Canyon and Mulholland Drive.

Recommendations for Council action:

1. APPROVE the payment of \$42,513.26 from the Council District Five Real Property Trust Fund No. 687 to the MRCA to both extend the option period to purchase six acres of privately held land to connect Laurel Canyon Community Park via the Mulholland Drive right-of-way and to secure a second and third conservation easement over parcel APNs 5565-003-040 and 5565-003-036, respectively.
2. INSTRUCT the City Clerk to prepare the necessary documents to effectuate the above described payment to the MRCA.

**ITEM NO. (11) - ADOPTED**

08-1327-S1

CD 2

MOTION (GREUEL - WEISS) relative to the funding to assist the Mountains Recreation and Conservation Authority (MRCA) in the purchase of six acres of privately held land at the corner of Laurel Canyon and Mulholland Drive.

Recommendations for Council action:

1. UTILIZE \$55,000 in the Council District Two Real Property Trust Fund No. 684 to fund any aspect of the efforts of the MRCA relative to the purchase of six acres of privately held land at the corner of Laurel Canyon and Mulholland Drive, as further described in the text of this Motion.
2. DIRECT the City Clerk to prepare the necessary document(s) with, and/or payment(s) to the MRCA, or any other agency or organization, as appropriate, in the above amount, or in combination with any other amounts, for the above purpose, subject to the approval of the City Attorney, if needed; and AUTHORIZE the City Clerk to execute any such documents on behalf of the City.
3. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of this Motion.

## **Items for Which Public Hearings Have Been Held - Items 12-13**

### **ITEM NO. (12) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Roll Call #7 - Motion (Parks - LaBonge) to Adopt as Amended, Ayes (12); Absent: Perry, Weiss and Zine (3)**

[08-1649-S1](#)

CD 8

CONTINUED CONSIDERATION OF THE INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to authorization to accept \$140,000 in connection with the purchase and installation of ten security cameras at Martin Luther King, Jr. Park and Mary McLeod Bethune Library.

Recommendations for Council action, pursuant to Motion (Parks - Huizar), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Controller to accept LA Community Redevelopment Agency (CRA) AB 1290 (Normandie 5 Redevelopment Project Area) funds in the amount of \$140,000 in connection with the purchase and installation of ten security cameras at Martin Luther King, Jr. Park and Mary McLeod Bethune Library and deposit said funds into the Department of General Services Fund 100/40 Account 1101 Construction Hiring Hall \$65,000, Account 1121 Construction Hiring Hall Fringe Benefits \$24,700 and Account 3180 Construction Material and Supplies \$50,300.
2. REQUEST the CRA to revise the existing contract for this project to reflect the change in the scope of work.
3. AUTHORIZE the Chief Legislative Analyst (CLA) to make technical corrections or clarifications as may be necessary to implement the intent of the Motion.

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

Community Impact Statement: None submitted.

(Continued from Council meeting of April 28, 2009)

**ADOPTED**

**AMENDING MOTION (PARKS - LABONGE)**

**Recommendation for Council action:**

**INCLUDE the following additional recommendations:**

**4. AUTHORIZE the Controller to:**

**a. Increase appropriations within the Community Development Block Grant Fund No. 424 Account E140 GSD, in the amount of \$260,000.**

**b. Increase appropriations within Fund No. 100/40, as follows:**

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1101	Hiring Hall Salaries	\$ 90,000
1121	Hiring Hall Fringe Benefits	34,200
3180	Construction Materials	<u>135,800</u>
	<b>Total</b>	<b>\$260,000</b>

**5. AUTHORIZE the Community Development Department to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement these instructions.**

**ITEM NO. (13) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Roll Call #8 - Motion (Greuel - Huizar) to Adopt as Amended, Ayes (12); Absent: Perry, Weiss and Zine (3)**

[08-1862](#)

CONTINUED CONSIDERATION OF TRANSPORTATION COMMITTEE REPORT and AMENDING MOTION (GREUEL - PARKS) relative to the status of the City's efforts on the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reauthorization.

**A. TRANSPORTATION COMMITTEE REPORT**

Recommendations for Council action, as initiated by Motion (Greuel - Parks):

1. APPROVE the City of Los Angeles SAFETEA-LU Reauthorization Proposed List dated April 22, 2009, submitted to the Transportation Committee (attached to the Council file).
2. DIRECT the Los Angeles Department of Transportation (LADOT) to update the status of the City's SAFETEA-LU Earmark projects every six months.
3. INSTRUCT the LADOT to further explore options to secure funding for shortfalls and report back.

Fiscal Impact Statement: The LADOT reports that it is anticipated that there will be no impact on the General Fund. Proposition C, the Public Works Trust Fund, Proposition K, Gas Tax, and other Special Funds will provide the match and front-funding while Proposition C and Metro funds will provide funding for the shortfalls.

Community Impact Statement: None submitted.

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

## RECEIVED AND FILED

### B. AMENDING MOTION (GREUEL - PARKS)

Recommendation for Council action:

APPROVE the revised City of Los Angeles SAFETEA-LU Reauthorization project list, attached to the Council file.

(Continued from Council meeting of April 29, 2009)

## ADOPTED

### C. AMENDING MOTION (GREUEL - HUIZAR)

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

**ADOPT the accompanying RESOLUTION and revised City of Los Angeles Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Reauthorization project list attached to the Council file.**

## Closed Session - Item 14

### ITEM NO. (14) - MOTION ADOPTED

**Roll Call #9 - Motion (Parks - Smith) Adopted, Ayes (12); Absent: Perry, Weiss and Zine (3)**

[09-0704](#)

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 Mary Cummins-Cobb v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC374596. (This case arises from plaintiff's claims of discrimination based on sexual harassment in the Department of Animal Services.)

(Budget and Finance Committee considered the above matter in Closed Session on April 13, 2009.)

(Continued from Council meeting of April 29, 2009)

**ADOPTED**

**MOTION (PARKS - SMITH)**

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

1. **AUTHORIZE** the City Attorney to expend \$130,000 in settlement of the case entitled Mary Cummins-Cobb v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC374596, from the Liability Claims Account No. 9770, Fund 100, Department 59.
2. **AUTHORIZE** the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Rheuban and Gresen Client Trust Account.
3. **AUTHORIZE** the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and **AUTHORIZE** the Controller to implement the instructions.

**RESOLUTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, MAY 1, 2009, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23**

**ADOPTED - FORTHWITH**

Roll Call #10 - Resolution (Garcetti - Greuel) Findings on Need to Act - Adopted, Ayes (12);  
Absent: Perry, Weiss and Zine (3)

Roll Call #11 - Resolution (Garcetti - Greuel) Adopted, Ayes (12); Absent: Perry, Weiss and Zine (3)

**09-0002-S79**

**RESOLUTION (GARCETTI - GREUEL)** relative to the City's position with respect to legislation or administrative action which would amend the 2009 Weatherization Assistance Program Draft Plan and Application to allow local governmental agencies to apply directly to the State of California for the Weatherization Assistance Program, through the American Recovery and Reinvestment Act.

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

**ADOPT** the accompanying **RESOLUTION** to include in the City's 2009-10 State and Federal Legislative programs, a position to **SUPPORT** legislation or administrative action which would amend the 2009 Weatherization Assistance Program Draft Plan and Application to allow local governmental agencies to apply directly to the State of California for the Weatherization Assistance Program, through the American Recovery and Reinvestment Act, and would also expand the definition of weatherization and functions of the program to include funding for job training for weatherization improvements and water-related energy conservation for low-income households.

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

### 09-1029

MOTION (PARKS - LABONGE) relative to declaring the 10K Hunger Walk "Taking a Step to End Hunger" on May 2, 2009 a Special Event (fees and costs absorbed by the City = \$9,836).

### 09-1028

MOTION (LABONGE - PARKS) relative to declaring the Fifth Annual Art Fair and Flea Market on June 14, 2009 a Special Event (fees and costs absorbed by the City = \$1,233).

### 09-1027

MOTION (LABONGE - PARKS) relative to declaring the Placidia Avenue Block Party on May 16, 2009 a Special Event (fees and costs absorbed by the City = \$1,456).

### 08-2374-S1

MOTION (LABONGE - PARKS) relative to declaring the St. Patrick's School Family Carnival on September 25-27, 2009 a Special Event (fees and costs absorbed by the City = \$6,559).

### 09-1030

MOTION (WESSON - ROSENDAHL) relative to declaring the Grand Re-Opening of Benny H. Potter Memorial Park on May 2, 2009 a Special Event (fees and costs absorbed by the City = \$1,798).

### 09-1031

MOTION (ALARCON - CARDENAS) relative to declaring the Go Green on May 16, 2009 a Special Event (fees and costs absorbed by the City = \$1,900).

### 09-1032

MOTION (ROSENDAHL - WESSON) relative to declaring the Hawaiian Raffle and Silent Auction on May 2, 2009 a Special Event (fees and costs absorbed by the City = \$1,118).

### 08-0268-S1

MOTION (SMITH - ROSENDAHL) relative to declaring the LAPD Valley Traffic Division Safety Fair on May 30, 2009 a Special Event (fees and costs absorbed by the City = \$1,332).

### 09-1033

MOTION (LABONGE - PARKS) relative to declaring the Candle Light Vigil on June 4, 2009 a Special Event (fees and costs absorbed by the City = \$1,896).

### 08-1446-S1

MOTION (HAHN - PARKS) relative to declaring the Harbor City Days on June 27, 2009 a Special Event (fees and costs absorbed by the City = \$1,226).

### 07-1925-S2

MOTION (HAHN - PARKS) relative to declaring the 11th Annual Port of Los Angeles Lobster Festival 2009 on September 18-20, 2009 a Special Event (fees and costs absorbed by the City = \$5,620).

### 09-0992

MOTION (SMITH - WESSON) relative to declaring the Valley Revolution on May 22-24, 2009 a Special Event (fees and costs absorbed by the City = \$7,123).

[09-1006](#)

MOTION (HAHN - PARKS) relative to declaring the College Bound Program Graduation on June 20, 2009 a Special Event (fees and costs absorbed by the City = \$1,226).

[08-1066-S1](#)

MOTION (HAHN - LABONGE) relative to declaring the Certified Farmers' Market on Fridays from May 1, 2009 to May 7, 2010 a Special Event (fees and costs absorbed by the City = \$16,072).

[07-1251-S1](#)

MOTION (HAHN - LABONGE) relative to declaring the Saint Peter and Paul Annual Fiesta on May 15-17, 2009 a Special Event (fees and costs absorbed by the City = \$3,480).

[09-0939](#)

MOTION (PARKS - LABONGE) relative to the cancellation of the Barack the Block BBQ Special Event on May 1, 2009.

[09-1026](#)

MOTION (PARKS - LABONGE) relative to funding for the Precious Jewels program in the City Hall Tom Bradley on May 10, 2009.

[09-1025](#)

MOTION (ROSENDAHL - CARDENAS) relative to additional funding to support efforts of the Venice Community Housing Corporation to acquire and rehabilitate a property, located at 15 Horizon in Venice, California.

[09-0011-S24](#)

MOTION (SMITH - ROSENDAHL) relative to funding for the removal of tree stumps in Council District 12.

[09-1000](#)

MOTION (SMITH - CARDENAS) relative to funding to start the environmental review of the Aliso Canyon Park project.

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

[08-0851-S1](#)

RESOLUTION (ALARCON - GREUEL) relative to declaring the week of April 26-May 2, 2009 as National Crime Victims' Rights Week in the City of Los Angeles.

**COMMENDATORY RESOLUTION ADOPTED IN HONOR OF:**

[09-0727](#) - Celiac Disease Awareness Month

(Greuel - All Councilmembers)

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

<a href="#">09-0726</a> - Aurelio Monreal	(Cardenas - Alarcon)
Thomas B. Lappas	(Hahn)
Joseph Klass	(LaBonge)
Ernie Barnes	(LaBonge - All Councilmembers)
Ruben Villareal	(Garcetti - Cardenas - Alarcon)

**Ayes, Alarcon, Cardenas, Greuel, Hahn, Huizar, LaBonge, Parks, Reyes, Rosendahl, Smith, Wesson and President Garcetti (12); Absent: Perry, Weiss, and Zine (3).**

**Whereupon the Council did adjourn.**

ATTEST: Karen E. Kalfayan, CITY CLERK

By	
Council Clerk	PRESIDENT OF THE CITY COUNCIL