

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **June 3, 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: Alarcon, Cardenas, Greuel, Huizar, LaBonge, Parks, Reyes, Rosendahl, Wesson, Zine and President Garcetti (11); Absent: Hahn, Perry, Smith and Weiss (4).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
MAY 29, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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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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## **Mayor's Veto Message - Item 1**

**ITEM NO. (1) - ADOPTED - FORTHWITH**

**Roll Call #10 - Motion (Garcetti - Greuel) Adopted, Ayes (14); Absent: Smith (1)**

[09-0600](#)

CONSIDERATION OF THE MAYOR'S VETO MESSAGE, upon receipt, pursuant to Charter Section 315. The Council has five days, excluding Saturdays, Sundays, and holidays, upon receipt of the Mayor's veto to overcome such action of the Mayor relative to any item or items of the budget.

(The Mayor has until June 3, 2009, to submit his Veto Message to the Council, pursuant to Charter Section 314.)

**ADOPTED**

**Motion (Garcetti - Greuel)**

**Recommendation for Council action:**

**INSTRUCT the City Clerk to forthwith sign the modified budget for the ensuing Fiscal Year 2009-10, as returned by the Mayor on June 2, 2009, with his approval and without modifications; and to file the approved Budget Resolution adopted by the City Council on May 27, 2009, with the Office of the Controller, as provided by the Charter.**

## **Items Noticed for Public Hearing - Items 2-8**

**Roll Call #4 - Motion (Parks - Perry) Adopted To Confirm Lien, Ayes (12); Absent: Hahn, Smith and Weiss (3)  
(Item Nos. 2-4)**

### **ITEM NO. (2) - PUBLIC HEARING CLOSED - NO PROTEST - LIEN CONFIRMED**

[08-0656](#)

CD 9

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings at 907 East 81st Street. (Lien: \$279.40)

### **ITEM NO. (3) - PUBLIC HEARING CLOSED - NO PROTEST - LIEN CONFIRMED**

[08-3064](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings at 1555 West 35th Place aka 1555-57 West 35th Place. (Lien: \$300)

### **ITEM NO. (4) - PUBLIC HEARING CLOSED - NO PROTEST - LIEN CONFIRMED**

[09-0572](#)

CD 6

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings and cleaning and fencing of the lot at 6654 North Kester Avenue. (Lien: \$11,992.41)

**Roll Call #3 - Motion (Parks - Zine) Adopted To Receive and File, Unanimous Vote (12); Absent: Hahn, Smith and Weiss (3)  
(Item Nos. 5-6)**

### **ITEM NO. (5) - RECEIVED AND FILED - INASMUCH AS THE LIEN HAS BEEN PAID**

[09-0573](#)

CD 9

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings and cleaning and fencing of the lot at 8316 South San Pedro Street. (Lien: \$7,176.19)

**ITEM NO. (6) - RECEIVED AND FILED - INASMUCH AS THE LIEN HAS BEEN PAID**

09-0574

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 cleaning and fencing of the lot at 3754 South Ruthelen Street. (Lien: \$2,346.69)

**ITEM NO. (7) - PUBLIC HEARING CLOSED - NO PROTEST - LIEN CONFIRMED**

**Roll Call #4 - Motion (Parks - Perry) Adopted To Confirm Lien, Ayes (12); Absent: Hahn, Smith and Weiss (3)**

09-0614

CD 9

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings and cleaning of the lot at 855 West 54th Street aka 857 West 54th Street - Front Dwelling. (Lien: \$2,525.32)

**ITEM NO. (8) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING**

**Roll Call #12 - Motion (LaBonge - Rosendahl) To Adopt As Amended, Ayes (13); Absent: Greuel and Smith (2)**

08-2139

STATUTORY EXEMPTION, CATEGORICAL EXEMPTION, NEGATIVE/MITIGATED NEGATIVE DECLARATION and ORDINANCE FIRST CONSIDERATION relative to the proposed 2009-10 Proposition K assessment.

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

~~\*1. With respect to the projects in List 1 of Attachment 7:~~

- ~~a) FIND that each of these projects is STATUTORILY OR CATEGORICALLY exempt from the California Environmental Quality Act (CEQA) under the particular State and City CEQA Guidelines.~~
- ~~b) DIRECT the Department of Recreation and Parks (RAP) and/or the Bureau of Engineering (BOE) to prepare Notice(s) of Exemption or Notice(s) of Determination reflecting Council's actions and file such notices with the City and County Clerks within five working days of the City Council's final action confirming the 2009-10 Assessment and Engineer's Report. \*(LaBonge-Rosendahl)~~

~~2. With respect to the projects in List 2 of Attachment 7:~~

~~FIND that these projects are exempt from the CEQA under State CEQA Guidelines section 15262 and Article II, section 2.d of the City CEQA Guidelines because the City Council's action is not subject to CEQA. The City Council's action is not an approval of a project which may cause a physical change in the environment, but instead is in the nature of a feasibility and planning study for a project which is not being approved at this time.~~

3. With respect to the projects in List 3 of Attachment 7:

ACKNOWLEDGE that the City Council's action is exempt from CEQA under Article II, section 2.i, because the underlying project has already been evaluated and processed in accordance with the City CEQA Guidelines.

~~4. With respect to the projects in List 4 of Attachment 7:~~

~~a) REVIEW and CONSIDER the Negative Declaration/Mitigated Negative Declaration.~~

~~b) CERTIFY that the Negative Declaration/Mitigated Negative Declaration has been prepared in accordance with CEQA, and ADOPT it.~~

~~c) ADOPT all the mitigation measures described in the Mitigated Negative Declaration as part of the City Council's approval of the Proposition K assessment and ADOPT the mitigation monitoring program prepared to ensure that the mitigation measures will be implemented.~~

~~d) FIND that with imposition of the mitigation measures, there will remain no significant impacts.~~

~~e) INSTRUCT the RAP and the BOE to prepare a Notice of Determination and file with the City and County Clerks within five working days of the City Council's approval.~~

5. With respect to the projects in List 5 of Attachment 7:

FIND that those are projects that may be considered for funding after CEQA compliance. No further action is required at this time.

6. PRESENT and ADOPT the accompanying ORDINANCE confirming the assessments and approving the assessment diagram for Fiscal Year 2009-10.

7. INSTRUCT the City Engineer to record a Notice of Assessment with the County Recorder.

8. AUTHORIZE the Controller to set up accounts for the 2009-10 Proposition K assessment in the following funds pursuant to instructions to be provided by the CAO: Proposition K Projects Fund No. 43K, Proposition K Maintenance Fund No. 43L, and Proposition K Administration Fund No. 43M.

9. APPROVE the 2009-10 Five Year Plan for the LA for Kids Program and related schedules, as set forth in Attachments 1, 2, 3 and 6.
10. INSTRUCT the Information Technology Agency to prepare and transmit the necessary computer tape or compact disk, as appropriate, to the County containing the assessment levy information confirmed by the City Council for fiscal year 2009-10 for each parcel in the Assessment District.
11. AUTHORIZE the City Engineer to negotiate and execute Proposition K grant contracts with competitive grant applicants in the Five Year Plan for 2009-10, excluding projects from the RAP and Bureau of Street Lighting, subject to approval of the City Attorney.

Community Impact Statement: None submitted.

(Pursuant to Council action of May 13, 2009)

**ADOPTED**

**AMENDING MOTION (LABONGE - HAHN)**

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

1. AMEND Recommendation Nos. 1, 3 and 5 to incorporate the revised California Environmental Quality Act Document List (Attachment 7), as transmitted through this Motion.
2. DELETE Recommendation Nos. 2 and 4, as there are no projects listed in the corresponding categories in List 2 and List 4 of the revised California Environmental Quality Act Document List (Attachment 7).
3. AMEND Recommendation No. 9 to incorporate the revised Five Year Plan for Years 13-17 (Attachment 1), as transmitted through this Motion.
4. APPROVE the award of 2.1 million in 2008-09 inflation funds to project identified in the attached 2008-09 Inflation Recommendations (Attachment 13) and the reprogramming of \$499,303 in inflation funds to debt service, as incorporated in the revised 2009-10 Five Year Plan (Attachment 1).
5. APPROVE the 2009-10 allocation of administrative funds up to the following amounts within Proposition K Fund 43M:

<u>Department</u>	<u>Amount</u>
PW/Bureau of Engineering	\$420,507
PW/Board/Office of Accounting	<u>\$136,457</u>
<b>Total</b>	<b>556,964</b>

6. **INSTRUCT** the City Engineer and Board of Public Works, Office of Accounting to submit journal voucher requests supported by documentation of work order charges for administrative and construction management staffing costs to the City Administrative Officer.
7. **INSTRUCT** the Department General Services to submit expenditure reports to Bureau of Engineering, the Department of Recreation and Parks and the City Administrative Officer on a monthly basis.
8. **AUTHORIZE** the Controller to:
  - a) Increase the 2009-10 appropriations for the Information Technology Agency by \$25,500 from Proposition K Fund 43K/10, Account No. F032 - Information Technology Agency to Fund 100/32, Account 9350 - Communication Service Request; and
  - b) Transfer cash from Proposition K on as-needed basis upon proper documentation from the Information Technology Agency and approval by the Bureau of Engineering Program Managers and the City Administrative Officer.
9. **RESOLVE** that pursuant to Charter Section 245, the Council waives review of the actions anticipated to be taken by the Board of Recreation and Park Commissioners at its meeting scheduled for June 17, 2009, with respect to the review of bids and the awards of the contracts or Memoranda of Understanding for:
  - a) Mason Park (5th Cycle) - outdoor improvements and irrigation;
  - b) Van Nuys Sherman Oaks Park - new soccer fields, refurbish baseball fields, landscaping improvements, irrigation system.
10. **AUTHORIZE** the City Engineer to negotiate and execute maintenance funding grant agreements, amendments or supplemental agreements, as needed to effectuate the 2008-09 award of maintenance funding approved by Council on May 13, 2009 (Council file No. 08-2139).
11. **AMEND** the City Engineer's Report that as adopted by Council on May 13, 2009 (Council file No. 08-2139), for the 2009-10 Proposition K assessment, to incorporate the revised Five Year Plan for Years 13-17 and the revised California Environmental Quality Act Document List (Attachment 7), which are transmitted through this Motion.
12. **AUTHORIZE** the City Engineer to make technical corrections to the City Engineer's Report to reflect the intent of this Council action.
13. **AUTHORIZE** the City Administrative Officer to:

- a) **Revise the 2008-09 C List of sixth cycle projects approved by Council on June 10, 2008 Council file No. 07-4171), to reduce funding eligibility by the amount of funds reprogrammed to the Children's Institute Temple Street Campus Urban Greening project (\$150,000) and the Variety Boys and Girls Club Gymnasium project (180,000), as approved by Council through separate actions on April 8, 2009 (Council file No. 09-0468 and 09-0469); and**
- b) **Prepare technical adjustments as needed to carry out the intent of this Council action and the Controller to implement those technical adjustments.**

## **Items for Which Public Hearings Have Been Held - Items 9-15**

**Roll Call #5 - Motion (Reyes - LaBonge) Adopted, Ayes (12); Absent: Hahn, Smith and Weiss (3)  
(Item No. 9)**

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

#### [08-1441-S3](#)

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the establishment of the salary for the new class of Independent Assessor, Fire Commission.

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

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the salary for the new class of Independent Assessor, Fire Commission at a salary range of \$120,770 to \$150,000 and designate the class as eligible for executive vacation benefits under Los Angeles Administrative Code Section 4.245.1.
2. AUTHORIZE the City Administrative Officer (CAO) and the Controller, upon accretion of the class to a bargaining unit, to amend the appropriate Memorandum of Understanding to reflect the salary approved by Ordinance.

Fiscal Impact Statement: The CAO reports that the cost to the General Fund is \$120,770 to \$150,000 depending on placement within the salary range. The LAFD will fund the position from its current salary account.

Community Impact Statement: None submitted.

**ITEM NO. (10) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING**

**Roll Call #11 - Motion (Hahn - Rosendahl) To Adopt As Amended, Ayes (13); Absent: Greuel and Smith (2)**

[07-0995](#)

CD 5

FINAL ENVIRONMENTAL IMPACT REPORT (EIR) and ERRATA to EIR, MITIGATION MONITORING AND REPORTING PROGRAM, PLANNING AND LAND USE MANAGEMENT COMMITTEE, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a general plan amendment and zone change, and appeals on a Variance and Site Plan Review for property located at 915 North La Brea (also known as the La Brea Gateway Project).

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

1. CERTIFY that the Final Environmental Impact Report (EIR No. 2005-6164-EIR; State Clearinghouse No. 2008041053) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 07-0995 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 EIR No. 2005-6164-EIR; State Clearinghouse No. 2008041053, and Errata to the EIR.
2. ADOPT the FINDINGS of the City Planning Commission (CPC), as modified by Planning and Land Use Management Committee and attached to Council file No. 07-0995, as the Findings of the Council.
3. ADOPT Mitigation Monitoring and Reporting Program and Findings, California Environmental Quality Act Findings, and Statement of Environmental Effects as shown in the attachment to Council file No. 07-0995, as the Findings of the Council.
4. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the City Planning Commission (CPC) and the Director of Planning, APPROVING the proposed General Plan Amendment to the Hollywood Community Plan from the Limited Manufacturing land use designation to the Neighborhood Commercial land use designation; for the proposed construction of a mixed use project consisting of up to 219 residential apartment units and a maximum of 35,000 square feet of commercial space. The site is approximately 2.28 acres (99,317 square feet) in area.
5. PRESENT and ADOPT the accompanying ORDINANCE dated May 29, 2009, and approved by the Director of Planning, effectuating a Zone Change from MR1-1 to [T][Q]RAS4-1, for the above project located at 915 North La Brea Avenue, subject to the modified Conditions of Approval, as modified by the Planning and Land Use Management Committee, and as attached to the Committee report.



6. RESOLVE TO DENY APPEALS filed by the Melrose Neighborhood Association (Bill Christopher/ Urban Concepts Representative) and Lucille Saunders & La Brea - Willoughby Coalition (Sabrina Venskus, Esq. and Noel Weiss, Esq. Representatives) from the decision of the City Planning Commission (CPC), THEREBY APPROVE the zone variance to permit the sale of alcoholic beverages for off-site consumption and the Site Plan Review, subject to the modified Conditions of Approval attached to Council file No. 07-0995.
7. INSTRUCT the Planning Department to update the Hollywood Community Plan Map and update the appropriate zoning maps in accordance with this action.
8. ADVISE the applicant of [Q] Qualified classification time limit as described in the Committee report.
9. ADVISE the applicant that, pursuant to California Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigations 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.
10. 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.
11. NOT PRESENT and ORDER FILED Ordinance dated December 14, 2006.

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 - JUNE 3, 2009

(LAST DAY FOR COUNCIL ACTION - JUNE 3, 2009)

**ADOPTED**

**AMENDING MOTION (ROSENDAHL - HAHN)**

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

**AMEND CONDITION NO. 3 OF CPC 2005-6163-GPA-ZC-ZV-SPR to read:**

3. **Density. A maximum of 219 units may be constructed on the subject property. The property owner shall make available 10 percent of the dwelling units (22 units) affordable housing units and may to the extent allowed by state and federal law make such units available as Senior Housing.**

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

**Roll Call #5 - Motion (Reyes - LaBonge) Adopted, Ayes (12); Absent: Hahn, Smith and Weiss (3)  
(Item No. 11)**

[09-0917](#)

CD 12

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change at 20401 Northridge Road.

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. 09-0917 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 2003-6752 MND (REC)] filed on December 5, 2008.
2. ADOPT the FINDINGS of the North Valley Area Planning Commission (NVAPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the NVAPC, effecting a zone change from A1-1 to (T)(Q)A2-1 in conjunction with a previously approved Tract Map No. 60425 to allow the construction of a ten-unit single family subdivision on a 20.47 acre site located at 20401 Northridge Road, subject to Conditions of Approval.

Applicant: Rashaun Development,

LLC APCNV 2008-3932 ZC

Representative: Regina Minor, Arc Land Use & Entitlements, Inc.

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 NVAPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

**ITEM NO. (12) - ADOPTED**

**Roll Call #13 - Motion (Cardenas - Huizar) Adopted, Ayes (13); Absent: Smith and Weiss (2)**

[09-1013](#)

CONTINUED CONSIDERATION OF INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to authorizing the All City Employee Benefits Service Association (ACEBSA) to enter into a non-exclusive license agreement to sell merchandise bearing the City Seal, pursuant to Los Angeles Municipal Code Section 63.108.

Recommendations for Council action:

1. FIND that the ACEBSA's request to use the City seal on approved merchandise for purchase by active and retired City employees serves a public purpose.
2. APPROVE the license agreement as included in the May 1, 2009 City Clerk report, attached to the Council file.
3. AUTHORIZE the City Clerk to collect and deposit royalties into the Intellectual Property Trust Fund, 45V.

Fiscal Impact Statement: The City Clerk reports that the proposed license agreement with the ACEBSA is anticipated to result in the collection of royalties on gross sales of merchandise in the amount of approximately \$1,500 per year.

Community Impact Statement: None submitted.

(Continued from Council meeting of May 27, 2009)

**ITEM NO. (13) - ADOPTED**

**Roll Call #7 - Motion (Perry - Reyes) Adopted, Ayes (14); Absent: Smith (1)**

[09-0724](#)

CD 1

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Bob Baker Marionette Theater located at 1345 West First Street in the list of Historic-Cultural Monuments.

Recommendations for Council action:

1. ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.

2. APPROVE the recommendation of the CHC relative to the inclusion of the Bob Baker Marionette Theater located at 1345 West First Street in the list of Historic-Cultural Monuments.

Applicant: Lauren Everett  
Owner: Bob Baker

CHC 2009-199 HCM

Fiscal Impact Statement: The CHC reports that such designation in and of itself has no fiscal impact. Future applications for permits may cause minimal administrative costs.

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 1, 2009

(LAST DAY FOR COUNCIL ACTION - JULY 1, 2009)

## ITEM NO. (14) - ADOPTED

**Roll Call #14 - Motion (Rosendahl - Hahn) Adopted, Ayes (13); Absent: Smith and Weiss (2)**

### 09-1079

ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to Los Angeles World Airports (LAWA) contract with Walsh Austin Joint Venture for Construction Manager at Risk Pre-Construction Services for the Bradley West Gates (BWG) Project at Los Angeles International Airport (LAX).

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) of the Los Angeles City CEQA Guidelines.
2. AUTHORIZE the Executive Director, LAWA, to execute Contract Number DA-4337 with Walsh Austin Joint Venture, subject to City Attorney's approval as to form and legality.
3. CONCUR with the Board of Airport Commissioners' action of April 21, 2009, approving Resolution No. 23763, to authorize the Executive Director, LAWA, to execute an agreement with Walsh Austin Joint Venture for Construction Manager At Risk Pre-Construction Services for the BWG Project to provide pre-construction services as part of the Tom Bradley International Terminal (TBIT) modernization project at LAX for an amount not to exceed \$10,978,000 and an initial period not to exceed 12 months, with an option for a five-year extension.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that this action will not impact the General Fund. Approval of the proposed contract, in an amount not to exceed \$10,978,000 for the BWG Project, is requested to be allocated from the Airport Revenue Fund, TBIT Reconfiguration element, as required. Since LAWA is only bound by City debt management policies City financial policies are not applicable.

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 6, 2009

(LAST DAY FOR COUNCIL ACTION - JULY 6, 2009)

**ITEM NO. (15) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING**

**Roll Call #15 - Motion (Reyes - Wesson) To Adopt As Amended, Ayes (12); Absent: Smith, Weiss and Zine (3)**

[09-0648-S6](#)

CONTINUED CONSIDERATION OF EXEMPTION, HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and AD HOC COMMITTEE ON ECONOMIC RECOVERY AND REINVESTMENT REPORT relative to Community Development Block Grant (CDBG) funding awarded under the American Recovery and Reinvestment Act (ARRA).

**A. HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT**

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

1. APPROVE the proposed Substantial Amendment to the 2008-09 Program Year (PY) 34 CDBG Action Plan for acceptance of supplemental entitlement dollars awarded under the ARRA (CDBG-R Program); and APPROVE the project line-item allocations set forth in Attachment A of the Mayor's report dated May 20, 2009.
2. RESOLVE and CERTIFY an urgent need to address foreclosure-related services needs as a City priority; and AUTHORIZE the Community Development Department (CDD) to submit a waiver request for the CDBG 15 percent public services cap under the CDBG-R Program and in lieu allocate up to 25 percent of the City's award for this purpose.
3. FIND that the Substantial Amendment to the 2008-2009 PY34 CDBG Action Plan will not have significant effects on the environment, pursuant to the City's Environmental Guidelines, and in compliance with the California Environmental Quality Act of 1970; that the Notice of Exemption and Notice of Determination reflect the independent judgment of the lead agency of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in the Council File in the custody of the City Clerk; and ADOPT the Notice of Exemption and Notice of Determination for this Amendment to the 2008-09 CDBG Action Plan, to be submitted by the CDD and attached to the Council File. All projects involving new construction and/or major rehabilitation will require the preparation of a Mitigated Negative Declaration or Environmental Impact Report on a site-by-site basis.
4. AUTHORIZE and REQUEST the Mayor to sign, the Federal Form SF-424 and the associated Grantee Certifications, subject to the review and approval of the City Attorney as to form and legality.
5. AUTHORIZE the General Manager, CDD, or designee, to:
  - a. Submit the Substantial Amendment package to the federal Department of Housing and Urban Development (HUD) by the regulatory submission date of June 5, 2009.

- b. Notify applicants (with copy to relevant Council offices) of funding awarded in the CDBG-R Substantial Amendment plan.
  - c. Prepare Controller instructions and/or make any technical adjustments, subject to review of the City Administrative Officer (CAO) that may be required and are consistent with the intent of this action and, further, authorize the Controller to implement these instructions and provide a copy of approved instructions to the Mayor's Office of Housing and Economic Opportunity.
  - d. Report back to the Mayor and Council immediately with a proposal for increased economic development hard construction projects if HUD determines not to grant the public services waiver and funding is required to be reduced in this category.
6. AUTHORIZE program implementing departments to negotiate and execute agreements/amendments or interdepartmental agreements with the grant recipients identified in the Mayor's report dated May 20, 2009, in an amount(s) not to exceed that set forth for the specified project(s)/activity(ies) in the CDBG-R Program, and in consultation with CDD, as the grant administrator, and in substantial conformance with the pro forma agreements for public services activities or for construction as provided in the related Council File, subject to:
- a. Review and approval of the City Attorney as to form and legality.
  - b. Adherence with City contracting provisions administered by the Department of Public Works, Bureau of Contract Compliance, as applicable.
  - c. HUD approval of the CDBG-R Program budget and the receipt of grant funds by the City.
7. AMEND the CDBG-R Plan funding budget as follows:

<u>Name</u>	<u>Council District</u>	<u>Budget</u>
Devonshire PALS	12	\$69,000
Los Angeles Boys and Girls Club	1	\$124,000

- 8. AMEND the Mayor's report dated May 20, 2009, to include the list of unfunded requests that were submitted to the CDBG ARRA Working Group as an attachment (Attachment).
- 9. INSTRUCT the Chief Legislative Analyst (CLA) to report back relative to the status of the proposed extension of the current contract between the Metropolitan Transit Authority (MTA) and AnsaldoBreda Inc. regarding the construction of a railcar manufacturing facility.
- 10. REQUEST the Office of the Mayor to report back relative to the quantity, quality, and tenure of jobs to be created through CDBG-R funded projects.

Fiscal Impact Statement: None submitted by the Mayor. Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

**RECEIVED AND FILED**

**B. AD HOC COMMITTEE ON ECONOMIC RECOVERY AND REINVESTMENT REPORT**

Recommendation for Council action:

SUBMITS WITHOUT RECOMMENDATION the recommendations of the Mayor dated May 20, 2009 relative to CDBG–R supplemental funding awarded under ARRA.

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

Community Impact Statement: None submitted.

(Continued from Council meeting of May 29, 2009)

**ADOPTED**

**AMENDING MOTION (WESSON - REYES)**

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

1. **APPROVE** the reprogramming of \$624,000 in Community Development Block Grant funds, currently allocated to the Mercy Housing Project to Taylor Yard Transit Village (\$500,000) and the Los Angeles Boys and Girls Club (\$124,000).
2. **AUTHORIZE** the Controller to:

- a. **Decrease appropriations within the Community Development Trust Fund No. 424 as follows:**

<u>Account</u>	<u>Title</u>	<u>Amount</u>
C716	Mercy House	\$624,000

- b. **Establish new accounts and appropriate within the Community Development Trust Fund No. 424 as follows:**

<u>Account</u>	<u>Title</u>	<u>Amount</u>
FXXX	Taylor Yard Transit Village	\$500,000
FXXX	Los Angeles Boys and Girls Club	<u>124,000</u>
	<b>Total</b>	<b>\$624,000</b>

3. **AUTHORIZE** the Community Development Department (CDD) and the Los Angeles Housing 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.

4. **AUTHORIZE the General Manager, CDD, or designee to amend the Housing and Community Development Action Plan as necessary, in accordance with City's adopted Citizen's Participation Plan.**

**ADOPTED**

**MOTION (HAHN - WESSON)**

**Recommendation for Council action:**

**INSTRUCT the Community Development Department, with the assistance of the Mayor's Office, to identify \$500,000 in Community Development Block Grant (CDBG), CDBG-R, UDAG, EDA, or other available monies within 45 days to fully fund the Lanzit Industrial Park project at \$1.75 million dollars.**

**Items for Which Public Hearings Have Not Been Held - Items 16-24**

(10 Votes Required for Consideration)

**ITEM NO. (16) - ADOPTED**

**Roll Call #6 - Motion (Wesson - Parks) Adopted, Ayes (12); Absent: Hahn, Smith and Weiss (3)  
(Item Nos. 16-17g)**

[08-1411](#)

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to establishing a counterfeit goods nuisance abatement law.

Recommendation for Council action, as initiated by Motion (Greuel - Perry - Smith), SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE adding Section 41.72 to the Los Angeles Municipal Code to establish a counterfeit goods nuisance abatement law for the abatement of properties that are used for the purpose of manufacturing, selling, or possessing counterfeit goods and recordings that do not disclose the origins of the recordings.

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.

(Public Safety Committee waived consideration of the above matter)



**ITEM NO. (17) - ADOPTED**

[09-0005-S330](#)

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 May 27, 2009:

[09-0005-S330](#)

CD 10

- a. Property at 1143 South Keniston Avenue (Case No. 204603).  
Assessor I.D. No. 5083-007-009

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

[09-0005-S331](#)

CD 8

- b. Property at 1660 West 35th Place (Case No. 145956).  
Assessor I.D. No. 5041-012-044

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 15, 2007)

[09-0005-S332](#)

CD 10

- c. Property at 1812 South Curson Avenue (Case No. 223690).  
Assessor I.D. No. 5064-015-017

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

[09-0005-S333](#)

CD 1

- d. Property at 2612 North Idell Street (Case No. 2343).  
Assessor I.D. No. 5446-012-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 21, 1998)

[09-0005-S334](#)

CD 1

- e. Property at 2612 North Idell Street (Case No. 4559).  
Assessor I.D. No. 5446-012-016

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 25, 2001)

[09-0005-S335](#)

CD 9

- f. Property at 4451 South Towne Avenue (Case No. 134810).  
Assessor I.D. No. 5109-013-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 14, 2008)

[09-0005-S336](#)

CD 4

- g. Property at 450 South Cochran Avenue (Case No. 218419).  
Assessor I.D. No. 5508-004-019

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

**ITEM NO. (18) - CONTINUED TO JUNE 9, 2009**

**Roll Call #1 - Motion (Parks - Wesson) Adopted To Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)**

[08-0418](#)

CD 9

COMMUNICATION FROM THE BOARD OF POLICE COMMISSIONERS relative to extending the term of the Los Angeles Police Department's (LAPD) Official Police Garage (OPG) contract with U.S. Tow, Inc.

Recommendation for Council action:

APPROVE an extension of six months, from April 1, 2009 through October 31, 2009, the LAPD's existing OPG contract with U.S. Tow, Inc. to ensure continued OPG services without interruption, subject to the approval of the City Attorney as to form and legality.

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

Community Impact Statement: None submitted.

(Public Safety Committee waived consideration of the above matter)

**Roll Call #6 - Motion (Wesson - Parks) Adopted, Ayes (12); Absent: Hahn, Smith and Weiss (3) (Item Nos. 19a-21)**

**ITEM NO. (19) - ADOPTED**

[07-1492-S1](#)

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:

[07-1492-S1](#)

CD 10

- a. MOTION (WESSON - ZINE) relative to declaring the 2009 Mission Bazaar on June 6, 2009 a Special Event (fees and costs absorbed by the City = \$1,826).

[09-1259](#)

CD 14

- b. MOTION (HUIZAR - LABONGE) relative to declaring the Hollenbeck Police Activities League Awards Gala on May 28, 2009 a Special Event (fees and costs absorbed by the City = \$1,763).

[09-1260](#)

CD 14

- c. MOTION (HUIZAR - LABONGE) relative to declaring the Resurrection Church Spring Fiesta on June 5-7, 2009 a Special Event (fees and costs absorbed by the City = \$12,193).

**ITEM NO. (20) - ADOPTED**

[09-1247](#)

CD 2

MOTION (ROSENDAHL - GREUEL) relative to initiating street vacation proceedings to vacate portion of Keswick Street from San Fernando Road (south roadway) to approximately 440 feet westerly thereof.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law to vacate portion of Keswick Street from San Fernando Road (south roadway) to approximately 440 feet westerly thereof.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.
4. DIRECT the City Clerk to schedule this request for the City Council's consideration at the appropriate time under the City's Street Vacation procedures.

**ITEM NO. (21) - ADOPTED**

[09-1258](#)

CD 14

MOTION (ROSENDAHL - HUIZAR) relative to initiating street vacation proceedings to vacate Opal Street westerly of Boyle Avenue and northerly of Freeway 60.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law to vacate Opal Street westerly of Boyle Avenue and northerly of Freeway 60.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.
4. DIRECT the City Clerk to schedule this request for the City Council's consideration at the appropriate time under the City's Street Vacation procedures.

**ITEM NO. (22) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION - SEE FOLLOWING**

**Roll Call #16 - Motion (Perry - Parks) To Adopt Substitute Motion, Ayes (12); Absent: Smith, Weiss and Zine (3)**

[09-1248](#)

MOTION (PERRY - PARKS) relative to issuing a permit for a proposed electronic on-site sign for the USC Galen Center.

Recommendation for Council action:

DIRECT the Department of Building and Safety, in consultation with the Transportation and Planning Departments, and any other necessary departments, to issue a permit for a proposed electronic on-site sign, notwithstanding the Los Angeles Municipal Code, in accordance with the terms and requirements previously set forth in the existing Conditional Use Permit (CDC 2004-1705-CU-CUB-SPR) for the USC Galen Center located at 3400 South Figueroa Street.

**ADOPTED**

**SUBSTITUTE MOTION (PERRY - PARKS)**

**Recommendation for Council action:**

**REQUEST the Department of Building and Safety, in consultation with the Transportation and Planning Departments, and any other necessary departments, to act on a permit for a proposed electronic on-site sign, in accordance with the terms and requirements previously set forth in the existing Conditional Use Permit (CPC 2004-1705-CU-CUB-SPR) for the USC Galen Center located at 3400 South Figueroa Street.**

**Roll Call #6 - Motion (Wesson - Parks) Adopted, Ayes (12); Absent: Hahn, Smith and Weiss (3)  
(Item Nos. 23-24)**

**ITEM NO. (23) - ADOPTED**

[09-1249](#)

CD 2

MOTION (GREUEL - LABONGE) relative to funding for the Equestrian Trails Inc. Foundation's Ride for the Cure event.

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

1. TRANSFER \$500 in the Council District Two portion of the Council Fund No. 100/28, Account No. 1010 to the General City Purposes Fund No. 100/56, Account No. 0702 and ALLOCATE therefrom to the Equestrian Trails, Inc., Foundation to defray costs associated with the Ride for the Cure event they are carrying out in October.
2. DIRECT the City Clerk to prepare the necessary document(s) with, and/or payment to the Equestrian Trails, Inc. Foundation, or any other agency or organization, as appropriate, in the above amount, for the above purposes, subject to the approval of the City Attorney as to form, if needed; and AUTHORIZE the City Clerk to execute any such documents on behalf of the City, if needed.
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.

**ITEM NO. (24) - ADOPTED**

[09-1266](#)

CD 11

MOTION (ROSENDAHL - PERRY) relative to extending an agreement for a streetscape project on Sepulveda Boulevard to be completed.

Recommendation for Council action:

INSTRUCT and AUTHORIZE the City Clerk to negotiate and execute a Supplemental Agreement to Contract No. C109895 between the City of Los Angeles and the Westchester Streetscape Improvement Association relative to an allocation of Council District 11 GCP Community Services Funds for a project designed to beautify the streetscape project on Sepulveda Boulevard. Between Manchester Avenue and Howard Hughes parkway, to extend the terms of the original Agreement for an additional two years, or any other time period, as appropriate, in order to provide sufficient additional time to complete the project.

## Items Called Special

### Motions for Posting and Referral

### Closed Sessions - Items 25-27

**Roll Call #17 - Motion (LaBonge - Parks) Adopted to Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)  
(Item Nos. 25-26)**

#### **ITEM NO. (25) - CONTINUED TO JUNE 9, 2009**

##### [09-0817](#)

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 cases entitled Bridges v. City of Los Angeles, LASC Case No. BC350717 (regarding 412 Paseo Miramar); Jelinowicz v. City of Los Angeles, Cross-Complaint - LASC Case No. BC350717 (regarding 560 Lucero Avenue); Heyman v. City of Los Angeles (related case LASC Case No. BC354924 - regarding 566 Lucero Avenue) in Council District 11. (These cases allege causes of action for inverse condemnation, nuisance, trespass, and dangerous condition of public property.)

(Budget and Finance Committee will consider the above matter in Closed Session on June 1, 2009.)

#### **ITEM NO. (26) - CONTINUED TO JUNE 9, 2009**

##### [09-1009](#)

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 Jermaine Foster, et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. EC045681. (This case arises out of a personal injury damage claim against the City, to wit, the Los Angeles Police Department.)

(Budget and Finance Committee will consider the above matter in Closed Session on June 1, 2009.)

#### **ITEM NO. (27) - CONTINUED TO JUNE 10, 2009**

**Roll Call #2 - Motion (LaBonge - Parks) Adopted To Continue, Ayes (12); Absent: Hahn, Smith and Weiss (3)**

##### [09-1132](#)

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 Joseph Ward-Wallace v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC358255. (This action arises from allegations of race discrimination, race harassment and failure to take reasonable steps to prevent discrimination and harassment against members of the Los Angeles Fire Department.)

(Budget and Finance Committee will consider the above matter in Closed Session on June 1, 2009.)

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

[09-1317](#)

CD 13

MOTION (GARCETTI - LABONGE) relative to declaring the Bruno Premiere on June 25, 2009 a Special Event (the event sponsor shall reimburse the City for all fees and costs pertaining to this event).

[09-1315](#)

CD 6

MOTION (CARDENAS - ZINE) relative to declaring the Van Nuys High School Booster Club Block Party on June 7, 2009 a Special Event (fees and costs absorbed by the City = \$1,000).

[09-1314](#)

CD 6

MOTION (CARDENAS - ZINE) relative to declaring the First Annual San Fernando Valley Battle of the Bands on June 13, 2009 a Special Event (fees and costs absorbed by the City = \$2,300).

[09-1313](#)

CD 10

MOTION (WESSON - GARCETTI) relative to declaring the 2009 E3 Guitar Hero event on June 1, 2009 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).

[09-1312](#)

CD 10

MOTION (WESSON - GARCETTI) relative to declaring the Guy's Choice Post Party on May 30-31, 2009 a Special Event (the event sponsor shall reimburse the City for all fees and costs associated with this event).

[09-1335](#)

CD 6

MOTION (CARDENAS - PARKS) relative to declaring the Aposento Alto Foursquare Celebration of Community Service on June 7, 2009 a Special Event (fees and costs absorbed by the City = \$200).

[09-1319](#)

CD 8

MOTION (PARKS - CARDENAS) relative to declaring the Annual Leimert Park Village Book & Art Fair on June 6, 2009 a Special Event (fees and costs absorbed by the City = \$16,244).

[07-1676](#)

CD 5

MOTION (WEISS - WESSON) relative to the Melrose Place Farmers' Market.

[09-0011-S34](#)

CD 14

MOTION (HUIZAR - CARDENAS) relative to funding for neighborhood watch signs to be installed in Council District 14.

[09-0011-S35](#)

CD 14

MOTION (HUIZAR - CARDENAS) relative to funding to install banners for a community event in Council District 14.

[09-1318](#)

CD 15

MOTION (HAHN - HUIZAR) relative to the Young Presidents' Organization Chapter Meeting on June 8, 2009.

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

[09-1316](#)

RESOLUTION (ZINE - GARCETTI) relative to declaring Sunday, June 14, 2009 as Army Appreciation Day.

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

[09-0726](#) - Joan Willis

(Wesson)

**Ayes, Alarcon, Cardenas, Greuel, Hahn, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (13); Absent: Smith and Weiss (2).**

**Whereupon the Council did adjourn.**

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL