

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **June 10, 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, Hahn, Huizar, LaBonge, Parks, Perry, Reyes, Wesson and President Garcetti (11); Absent: Rosendahl, Smith, Weiss and Zine (4).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
June 5, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 23

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 1-7

**Roll Call #2 - Motion (Hahn - Smith) Adopted, Ayes (12); Absent: Rosendahl, Weiss and Zine (3)
(Item Nos. 1-3)**

ITEM NO. (1) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

[09-0615](#)
CD 15

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 at 432 West 111th Street (front and rear dwellings). (Lien: \$5,992.38)

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

[09-0616](#)
CD 3

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 and graffiti abatement at 22055 West Avenue San Luis. (Lien: \$8,123.54)

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

[09-0617](#)

CD 12

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of fencing of the lot at 10952 North Whitaker Avenue.(Lien: \$6,715.80)

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

Roll Call #9 - Motion (Perry - Reyes) Adopted, Ayes (15)

[09-0618](#)

CD 9

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of cleaning and fencing of the lot, and graffiti abatement at 616 East Manchester Avenue (includes 612-28 East Manchester). (Lien: \$26,313.98)

ITEM NO. (5) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

Roll Call #2 - Motion (Hahn - Smith) Adopted, Ayes (12); Absent: Rosendahl, Weiss and Zine (3)

[09-0619](#)

CD 5

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of cleaning and fencing of the lot at 4547 North Hayvenhurst Avenue. (Lien: \$10,758.30)

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

Roll Call #1 - Motion (Hahn - Reyes) Adopted to Receive and File, Unanimous Vote (12); Absent: Rosendahl, Weiss and Zine (3)

[09-0620](#)

CD 15

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 and graffiti abatement at 219 North Grand Avenue (includes 221-23 North Grand Avenue). (Lien: \$7,276.64)

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

Roll Call #2 - Motion (Hahn - Smith) Adopted, Ayes (12); Absent: Rosendahl, Weiss and Zine (3)

[09-0621](#)

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 at 717 South Chicago Street. (Lien: \$13,115.09)

Items for Which Public Hearings Have Been Held - Items 8-16

**Roll Call #3 - Motion (Parks - Huizar) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 8-15)**

ITEM NO. (8) - ADOPTED - FORTHWITH - SEE FOLLOWING

[09-0600-S41](#)

COMMUNICATION FROM THE CITY CLERK relative to the restoration of Council Support positions.

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

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

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to the restoration of Council Support positions.

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

- 1. RESOLVE that the Employment Authority for the following positions in the Office of the City Clerk for the period of July 1, 2009 through June 30, 2010, to meet the City Council's request to identify and maintain the six Council support positions, is APPROVED:**

<u>Section</u>	<u>Classification</u>	<u>Reg</u>	<u>Reso</u>	<u>Total</u>
Community & Governmental Liaison	Sr. Management Analyst I		1	\$89,647
Council Committee Services	Legislative Assistant I	1		96,076
CFI, Public Services & Translations	Sr. Management Analyst II	1		120,050
Creative Services	Calligrapher	1		64,219
Creative Services	Senior Clerk Typist	1		55,180
Technology Support	Systems Analyst II	1		<u>74,673</u>
	Total	5	1	499,845

2. **INSTRUCT** the following City Departments to submit reports to the Budget and Finance Committee relative to the proposed use of discretionary funds allocated by the Council in the 2009-10 Adopted Budget: Office of Finance, Library Department, Department of City Planning, Department of Recreation and Parks, Department of Transportation, and the City Treasurer.

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

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED

[08-0097-S5](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to program income projections for Program Years 2008-09 and 2009-10 and the conversion of residual receipt loans to amortizing loans.

Recommendation for Council action:

RECEIVE and FILE the City Administrative Officer report dated June 2, 2009 and the Los Angeles Housing Department report dated November 7, 2008.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (10) - ADOPTED - FORTHWITH

[09-0785](#)

CD 8

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to increasing the purchase order for Goldfarb & Lipman by \$75,000 for legal services related to the Marlton Square Mixed-Use Development (Project).

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to amend the purchase order for Goldfarb & Lipman by \$75,000 (from \$383,000 to \$458,000) for various legal services, including the preparation of amendments and developer agreements, for the Single-Family Housing Project and Retail Center components of the Project, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no impact to the General Fund. The source of funds is Project Area Subsidy Special Revenue funds.

Community Impact Statement: None submitted.

ITEM NO. (11) - ADOPTED

[09-1007](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to amending the Professional Services Contract with the Coalition for Economic Survival (CES) to extend the term for three months for tenant outreach and education services for the Los Angeles Affordable Housing Preservation Program (LAAHPP).

Recommendations for Council action:

AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to execute a fourth contract amendment to Contract No. C-109771 with CES extending the term of the contract by three months, retroactively from May 1, 2009 to July 31, 2009, for a total term of 39 months, to provide continued tenant outreach and education services for the LAAHPP, in substantial conformance with Attachment One of the LAHD report dated April 16, 2009, subject to the review of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact to the General Fund. The recommendation is in compliance with City Financial Policies in that the full cost of the contract will be paid through the Municipal Housing Finance Fund. There is no cost associated with the proposed fourth contract amendment.

Community Impact Statement: None submitted.

ITEM NO. (12) - ADOPTED

[09-1125](#)

CD 10

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to borrowing up to \$4.781 million from the U.S. Department of Housing and Urban Development (HUD) and negotiating and executing a City Loan Agreement (City Loan) of up to \$4.781 million for the acquisition of the Pico Hauser Retail Plaza (Project) located at 5450 West Pico Boulevard and related actions.

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

1. FIND, pursuant to an eligibility review conducted by the Community Development Department (CDD), that the Project meets a National Objective and Public Benefit compliance of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives.

2. APPROVE the City Loan with Section 108 Loan proceeds in an amount up to \$4,781,000 for the Project subject to environmental assessment of the proposed Project and satisfactory compliance with the California Environmental Quality Act and the National Environmental Policy Act.
3. AUTHORIZE the General Manager, CDD, or designee, to:
 - a. Negotiate and execute a Promissory Note in favor of HUD, related documents, and amendments to these documents, to borrow an amount up to \$4,781,000 pursuant to the Section 108 Loan Guarantee Program (Section 108) for a City Loan toward the Project located at 5450 West Pico Boulevard, subject to the review of the City Attorney as to form and legality.
 - b. Negotiate and execute City Loan Agreements financed with Section 108 Loan proceeds in an amount up to \$4,781,000 for the Project, comprised of a Project-Based Loan for \$4,400,000 and a site specific tax revenues (SSTR)-based Loan for \$381,000, and all related documents between the City and a pending Special Investment Purpose Fund (Borrower), to make qualified equity investments in a qualified Community Development Entity (CDE) for the Project, which will obligate the Borrower to repay the City Loans, on the condition that all other funding for the Project have been secured by the Borrower prior to release of the funds for the Project, and subject to review of the City Attorney as to form and legality, and compliance with the City's contracting requirements.
 - c. Structure the SSTR-based Loan to provide debt service payments based on SSTR revenues up to 49 percent as an average of 49 percent of business, sales, and utility tax payments generated by the Project over the life of the loan.
 - d. Inform the City Administrative Officer's (CAO) Debt Management Group of all projects proposed to affect the General Fund's debt service obligation during the CDD's evaluation of the projects.
 - e. Prepare Controller instructions for any technical adjustments that are necessary and consistent with the Mayor and Council action on this matter, subject to the approval of the CAO, and authorize the Controller implement those instructions.
4. REQUEST the Controller to establish a new account, E405 within the Section 108 Fund 43F, titled "Pico Hauser Plaza Project" and appropriate and expend funds in an amount up to \$4,478,100 upon proper demand of the General Manager, CDD, or designee.

Fiscal Impact Statement: The CAO reports that there is no impact on the City's General Fund for at least two years if the recommendations in this report are approved. The City's total investment in the Project is approximately \$4.78 million from the proceeds of a Section 108 Loan Guarantee. The City Loan will generate program income through a front-end fee of \$71,715 when the City Loan is disbursed. This amount and proceeds from a 1.50 percent spread over the Project-based Loan through loan maturity will generate program income for the Community Development Block Grant. There is a future General Fund impact for debt service payments for the SSTR-based Loan after completion of the Project. The proposed SSTR-based City Loan would require the General Fund to provide a debt service payment of \$33,291 a year over a 17-year period for a total amount of \$565,947, subject to annual appropriation by the Mayor and Council. The CDD analysis indicates that the Project will create a new revenue stream through business, sales, and utility tax payments that will be sufficient to reimburse the General Fund for the entire debt service payments. Section 108 proceeds are ultimately guaranteed with future CDBG allocations to the City from HUD. The recommendations comply with the City Financial Policies in that loan proceeds are comprised entirely of federal funds.

Debt Impact Statement: The CAO reports that there is no impact on the City's debt limit for at least two years. An analysis of the impact of the amount of \$565,947 on the City's debt limit over a 17-year period or the annual amount of \$33,291 to determine if the addition of this amount is within the six percent limit of debt service payments to General Fund revenues will be required after the completion of the Project.

Community Impact Statement: None submitted.

ITEM NO. (13) - ADOPTED

[09-1128](#)

CD 4

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to transferring \$389,000 of Assembly Bill (AB) 1290 funds to the Bureau of Street Services (BOSS) for the construction and installation of traffic triangles on Wilton Place at First and Second Streets (Wilton Place Project).

Recommendations for Council action:

1. ADOPT the accompanying joint RESOLUTION [attached to the Chief Legislative Analyst (CLA) report dated June 2, 2009] between the City and the Community Redevelopment Agency (CRA) pursuant to Section 33445 of the Health and Safety Code finding that the use of Wilshire Center/Koreatown Recovery Redevelopment Project Area (Project Area) AB 1290 funds in the amount of \$389,000 for the Wilton Place Project is of benefit to the Project Area.
2. APPROVE the transfer of \$389,000 in Project Area AB 1290 funds to the Department of Public Works, BOSS, Fund 100/86, pursuant to the Cooperation Agreement between the CRA and the Department of Public Works, BOSS (Contract No. 502806), for the Wilton Place Project adjacent to the Project Area.

Fiscal Impact Statement: The CLA reports that there is no impact to the General Fund as a result of these actions.

Community Impact Statement: None submitted.

ITEM NO. (14) - ADOPTED

[09-0011-S11](#)

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the backlog and delay of installations of communications equipment into police and fire department vehicles.

Recommendations for Council Action, as initiated by Motion (Zine - Smith):

1. INSTRUCT the Los Angeles Police Department to prepare a request to the Proposition M Technical Steering Committee for funds to purchase enough new mobile data processing computers to address the structural shortages that have resulted in a backlog of vehicle installations.
2. INSTRUCT the City Administrative Officer (CAO) to include in its First Financial Status Report of 2009-10 recommendations to establish the authority for the Information Technology Agency to be reimbursed for communications equipment installations into Los Angeles Fire Department vehicles for the entirety of 2009-10.

Fiscal Impact Statement: The CAO reports that there is no fiscal impact. The funding mechanisms identified in the May 13, 2009 CAO report will require subsequent Council approval before they are authorized. Since there is no appropriation, the recommendations in the report comply with the City's Financial Policies.

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[08-3148](#)

PERSONNEL COMMITTEE REPORT relative to existing employee training and development programs; feasibility of expanding these programs and developing a succession training and development plan; and recommendations for increasing employee knowledge, development and retention.

Recommendation for Council action:

NOTE and FILE the Personnel Department report dated March 20, 2009, submitted in response to Motion (Greuel - Zine) relative to employee training and development programs.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (16) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #10 - Motion (Weiss - Perry) to Adopt, as amended Ayes (15)

[09-1046](#)

CD 5

ENVIRONMENTAL IMPACT REPORT (EIR), STATEMENT OF OVERRIDING CONSIDERATION, MITIGATION MONITORING PROGRAM, and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeals of a Conditional Use Plan Approval, Site Plan Review, Conditional Use, Reduced On-Site Parking, Public Benefit Approval for property at 9760 and 9786 West Pico Boulevard and 1414, 1420 and 1424 Roxbury Drive, and a Zoning Administrator's Determination for property at 1399 Roxbury Drive.

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

1. CERTIFY that EIR No. 2007-2476 and State Clearing House No. 2008-031095 has been completed in compliance with the California Environmental Quality Act (CEQA), the State Guidelines and the City Guidelines and that the 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. 09-1046 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 Environmental Impact Report.
2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations.
3. ADOPT the FINDINGS of the Planning and Land Use Management Committee, including CEQA Findings, as modified and dated June 2, 2009, and attached to Council file No. 09-1046, as the Findings of the Council.
4. ADOPT pursuant to and in accordance with Section 21081.6 of the Public Resources Code, the Mitigation Monitoring Program.

5. RESOLVE TO GRANT IN PART AND DENY IN PART APPEALS filed by Scott Diamond (on behalf of Beverlywood Homes Association); Susan Gans, Esq. and Daniel Fink, M.D. (on behalf of Homeowners Opposed to Museum Expansion); and Applicant, Simon Wiesenthal Center, Inc. - Susan Burden (Psomas - Joel Miller, Representative), from the decision of the City Planning Commission in whole and in part, relative to the expansion of the Museum of Tolerance by the addition of 20,809 square feet of floor area to the rear of the existing building and the incorporation of 7,153 square feet of a portion of the adjacent Yeshiva of Los Angeles Boys High School to the Museum for property located at 9760 and 9786 West Pico Boulevard, and 1414, 1420, and 1424 Roxbury Drive, and THEREBY APPROVE for this expansion project: (a) a Conditional Use Plan Approval to allow modifications to previously imposed conditions by Case No. CPC 1986-015-CU, subject to Conditions of Approval; (b) a Zoning Administrator's Determination to permit shared parking for additionally required museum parking to be located at an offsite existing commercial office building located at 1399 Roxbury Drive; (c) a Conditional Use to permit a maximum height of 63-feet, eight inches in the R1-1-O portion of the site, and to exceed the maximum floor area ratio permitted in the current R1-1-O portion of the site; (d) a Reduced On-Site Parking with Remote Off-Site Parking to reduce on-site parking requirements by three spaces Monday through Thursday from 7:00 a.m. to 7:00 p.m. and by 39 spaces on Sundays from 7:00 a.m. to 7:00 p.m. in conjunction with the provision of off-street and transportation alternatives; (e) a Site Plan Review for a project which results in a net increase of 1,000 or more average daily trips; and, (f) a Public Benefit Approval for a museum use with Alternative Compliance measures for property at 9760 West Pico Boulevard, all subject to Conditions of Approval as modified by the Planning and Land Use Committee and attached to the Committee report.

Applicant: Simon Wiesenthal Center, Inc. - Susan Burden (Psomas - Joel Miller, Representative)

CPC 2007-2622 -GPA-ZC-HD-ZAD-SPR-PUB-PA1

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 20, 2009

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

ADOPTED

MOTION (WEISS - WESSON)

Recommendation for Council action:

REQUIRE the Planning Department to review the plan approval and the conditional use six months after issuance of the final Certificate of Occupancy.

Items for Which Public Hearings Have Not Been Held - Items 17-33

(10 Votes Required for Consideration)

**Roll Call #4 - Motion (Greuel - Smith) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 17-19)**

ITEM NO. (17) - ADOPTED

[08-2811](#)

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Tujunga Canyon Boulevard and Haines Canyon Avenue (Reballot) Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated May 6, 2009.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **AUGUST 12, 2009** as the hearing date for the maintenance of the Tujunga Canyon Boulevard and Haines Canyon Avenue (Reballot) Lighting District, in accordance with Proposition 218, Articles XIII C and XIII D of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$2,063.81 will be collected annually starting with tax year 2010-11 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: August 5, 2009)

ITEM NO. (18) - ADOPTED

[09-1055](#)

CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Sunset Boulevard and Los Liones Drive Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated May 6, 2009.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **AUGUST 12, 2009** as the hearing date for the maintenance of the Sunset Boulevard and Los Liones Drive Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$2,636.80 will be collected annually starting with tax year 2010-11 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: August 5, 2009)

ITEM NO. (19) - ADOPTED

[09-1070](#)
CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Victory and Lankershim Boulevards Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated May 7, 2009.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **AUGUST 12, 2009** as the hearing date for the maintenance of the Victory and Lankershim Boulevards Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$14,667.50 will be collected annually starting with tax year 2009-10 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: August 5, 2009)

ITEM NO. (20) - CONTINUED TO JUNE 24, 2009

Roll Call #5 - Motion (Cardenas - Hahn) Adopted to Continue, Unanimous Vote (14); Absent: Zine (1)

[09-0600-S117](#)

GENERAL EXEMPTION, COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending sections of the Los Angeles Administrative Code (LAAC) to provide that all of the proceeds from sales of City surplus property during Fiscal Year 2009-10 be deposited into the General Fund.

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

1. FIND that this matter is Generally Exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines 15061(c)(2) and (3), and the City's CEQA Guidelines inasmuch as it does not constitute a project.
2. PRESENT and ADOPT the accompanying ORDINANCE amending Sections 5.500 and 7.33.1 of the LAAC to provide that all of the proceeds from sales of City surplus property during Fiscal Year 2009-2010 be deposited into the General Fund, except for property located in the Venice area and certain other properties.

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.

**Roll Call #4 - Motion (Greuel - Smith) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 21a-21c)**

ITEM NO. (21) - ADOPTED

[09-0005-S352](#)

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 June 10, 2009:

[09-0005-S352](#)

CD 9

- a. Property at 641 East 43rd Place (Case No. 8240).
Assessor I.D. No. 5115-010-020

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 15, 2005)

[09-0005-S353](#)

CD 9

- b. Property at 4307 South Honduras Street, 4309 South Honduras Street (Case No. 147246).
Assessor I.D. No. 5116-020-022

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

[09-0005-S354](#)

CD 13

- c. Property at 2301 West Effie Street (Case No. 122532).
Assessor I.D. No. 5423-007-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 26, 2009)

ITEM NO. (22) - ADOPTED

Roll Call #11 - Motion (Parks - Smith) Adopted, Ayes (15)

[09-1275](#)

COMMUNICATION FROM THE MAYOR and RESOLUTION relative to the 2009 Urban Areas Security Initiative (UASI) grant application.

Recommendations for Council action:

1. AUTHORIZE the Mayor's Office of Homeland Security and Public Safety to submit the 2009 UASI grant application to the California Emergency Management Agency on behalf of the City of Los Angeles and the Los Angeles-Long Beach Urban Area, for 110 percent of the \$68,290,450 target allocation.
2. ADOPT the accompanying Governing Body RESOLUTION to designate the City entities that will apply for and manage Federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California.
3. INSTRUCT the City Administrative Officer (CAO) to report back with the necessary actions to approve and accept the 2009 UASI award once applications are evaluated and funding is allocated by the Department of Homeland Security.

Fiscal Impact Statement: None submitted by the Mayor. Neither the CAO 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. (23) - RECEIVED AND FILED - SEE FOLLOWING

Roll Call #12 - Motion (Weiss - Wesson) Adopted to Receive and File, Unanimous Vote (15);

[09-1046](#)

CD 5

COMMUNICATION FROM THE MAYOR, DIRECTOR OF PLANNING AND CITY PLANNING COMMISSION relative to the disapproval of a General Plan Amendment, Zone and Height District Change, and Zoning Administrator Approval for property located at 1414, 1420, 1424 Roxbury Drive and 9786 Pico Boulevard.

Recommendations for Council action:

1. CONCUR in the recommendations of the Mayor, Director of Planning, and City Planning Commission relative to disapproval of: (1) a General Plan Amendment, Zone and Height District Change to the West Los Angeles Community Plan from Low Residential to Neighborhood Commercial land use designation for property located at 1414, 1420 and 1424 Roxbury Drive; (2) a General Plan Amendment to Footnote No. 1 of the West Los Angeles Community Plan to include properties with a maximum floor area of 2.9:1 for property located at 1414, 1420 and 1424 Roxbury Drive; (3) a concurrent Vesting Zone and Height District Change from R1-1-O to (Q)C4-2D and a Vesting Zone and Height District Change from C4-1VL-O to (Q)C4-2D for property located at 9786 Pico Boulevard for the expansion of an existing Museum (Museum of Tolerance), 63 feet eight inches in height; and (4) a Zoning Administrator's Determination to permit building heights varying from 39-feet, six inches to 63-feet, eight inches in lieu of the transitional height limits.
2. ADOPT the FINDINGS of the City Planning Commission as the Findings of the Council.

Applicant: Simon Wiesenthal Center, Inc., Susan Burden(Yeshiva of Los Angeles Boys High School) - Psomas - Joel Miller, Representative

CPC 2007-2622-GPA-ZC-HD-ZAD-SPR-PUB-PA1

(On May 26, 2009, the applicant, pursuant to Los Angeles Municipal Code Section 11.5.9 withdrew his application relative to the above-listed entitlements, and the matter may be considered as receive and file, as no further Council action is required.)

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

ADOPTED

MOTION (WEISS - WESSON)

Recommendation for Council action:

RECEIVE and FILE the matter in connection with the General Plan Amendment, Zone and Height District Change, and Zoning Administrator Approval for property located at 1414, 1420, 1424 Roxbury Drive and 9768 Pico Boulevard, (Item No. 23, CF 09-1046), inasmuch as on May 26, 2009, the applicant, pursuant to Los Angeles Municipal Code Section 11.5.9, withdrew his application relative to the above-listed entitlements, and no further Council action is necessary.

ITEM NO. (24) - ADOPTED

Roll Call #13 - Motion (Alarcon - Rosendahl) Adopted, Ayes (14); Absent: Weiss (1)

[09-0002-S37](#)

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) and RESOLUTION relative to the City's position on AB 1000 (Ma) that provides California employees with paid sick leave.

Recommendation for Council action, as initiated by Resolution (Alarcon - Rosendahl), SUBJECT TO

THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 State Legislative Program SUPPORT for AB 1000 (Ma) that provides California employees with paid sick leave for personal illness, to provide care for a sick family member, or to recover from domestic violence or sexual assault.

Fiscal Impact Statement: None submitted by the CLA. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

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

ITEM NO. (25) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #7 - Motion (Smith - Perry) Adopted, Ayes (14); Noes: Alarcon (1)

[09-0002-S68](#)

COMMUNICATION FROM CHIEF LEGISLATIVE ANALYST (CLA) and RESOLUTION (SMITH - PERRY) relative to AB 222 (Adams and Ma), which would redefine alternative waste technology facilities in a manner that meets the City's renewable energy objectives.

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

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 State Legislative Program SUPPORT for AB 222 (Adams and Ma), which would redefine alternative waste technology facilities in a manner that meets the City's renewable energy objectives.

Fiscal Impact Statement: None submitted by the CLA. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

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

ITEM NO. (26) - CONTINUED TO JUNE 12, 2009

Roll Call #8 - Motion (Perry - Rosendahl) Adopted to Continue, Unanimous Vote (15)

[09-0002-S111](#)

CONSIDERATION OF RESOLUTION (PARKS - ZINE) relative to the City's position on AB 155 which would restrict the ability of cities from petitioning for bankruptcy protection.

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

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 State Legislative Program OPPOSITION to AB 155 which would restrict the ability of cities from petitioning for bankruptcy protection.

Community Impact Statement: None submitted.

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

**Roll Call #14 - Motion (Perry - Reyes) Adopted, Ayes (14); Absent: Weiss (1)
(Item Nos. 27a-27g)**

ITEM NO. (27) - ADOPTED

[09-1317](#)

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:

[09-1317](#)

CD 13

- a. 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

- b. 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).

ADOPTED, AS AMENDED

[09-1314](#)

CD 6

- c. 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).

ADOPTED

AMENDING MOTION (CARDENAS - ALARCON)

Recommendation for Council action:

AUTHORIZE special event attendees to park, without charge, at the San Fernando Valley Parking Garage Parking Lot 752 located at 6265 Sylmar Avenue from 3:30 p.m. to 10:00 p.m. on June 13, 2009, only to the extent permitted by law, subject to the supervision of the General Manager, Department of Transportation.

[09-1313](#)

CD 10

- d. 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

- e. 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

- f. 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

- g. 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).

**Roll Call #4 - Motion (Greuel - Smith) Adopted, Ayes (14); Absent: Zine (1)
(Item Nos. 28-31)**

ITEM NO. (28) - ADOPTED

[07-1676](#)

CD 5

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

Recommendation for Council action:

REAFFIRM Council's action of June 11, 2008, and readopt the fee waiver, street closure, departmental instructions and other provisions contained therein for an additional period ending on June 30, 2009 for the Melrose Place Farmers' Market.

ITEM NO. (29) - ADOPTED

[09-0011-S34](#)

CD 14

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

Recommendations for Council action:

1. UTILIZE \$4,719.60 in the Council District 14 portion of the Street Furniture Revenue Fund No. 43D/50, to purchase and install 120 neighborhood watch signs on street poles and other locations to improve street and sidewalk security in Council District 14.
2. AUTHORIZE the Board of Public Works, Office of Accounting to prepare and execute any necessary documentation with, and/or to issue payment to, the National Neighborhood Watch Institute, or any other agency or organization as appropriate, in the above amount, from the above source, and for the above purpose, upon receipt of the required invoice(s) or other documentation.
3. FIND that the above described services to be performed by the National Neighborhood Watch Institute, or any other agency or organization, as appropriate, are for the performance of a temporary and occasional character for which competitive bidding is not practicable or advantageous, and that the work can be performed more economically or feasibly by independent contractors than by City employees.
4. AUTHORIZE the Chief Legislative Analyst, or designee, to make technical corrections or clarifications as may be necessary to implement the intent of this motion.

ITEM NO. (30) - ADOPTED

[09-0011-S35](#)

CD 14

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

Recommendations for Council action:

1. ALLOCATE \$1,120.61 in the Council District 14 portion of the Street Furniture Revenue Fund No. 43D/50, to AAA Flag & Banner Mfg., for the installation of banners for a community event in Council District 14 and INSTRUCT and AUTHORIZE the Board of Public Works, Office of Accounting to prepare and execute any documentation necessary to pay this amount for this purpose.
2. AUTHORIZE the Chief Legislative Analyst, or designee, to make technical corrections or clarifications as may be necessary to implement the intent of this motion.

ITEM NO. (31) - ADOPTED

[09-1318](#)

CD 15

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

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

APPROPRIATE \$463 from the Unappropriated Balance Fund No. 100/40 as follows: \$162 to Account 1070 and \$301 to Account 1090 for services in connection with the June 8, 2009 Council District 15 reception in the City Hall Tom Bradley Room for the Young Presidents' Organization Chapter Meeting said funds to be reimbursed to the General Fund by the Young Presidents' Organization.

ITEM NO. (32) - ADOPTED

Roll Call #15 - Motion (Cardenas - Greuel) Adopted, Ayes (14); Absent: Weiss (1)

[09-1316](#)

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

Recommendation for Council action:

RESOLVE to DECLARE Sunday, June 14, 2009 as Army Appreciation Day in the City of Los Angeles.

ITEM NO. (33) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

Roll Call #16 - Motion (LaBonge - Huizar) Adopted, Ayes (14); Absent: Weiss (1)

[09-1348](#)

CD 4

FINAL MAP OF TRACT NO. 68913 located at 1823 North Fuller Avenue lying westerly of Fuller Avenue and northerly of Franklin Avenue.

(ADOPT City Engineer Report)

Applicants: Gidi Cohen

Jerome Buckmelter Associates

Closed Sessions - Items 34-36

ITEM NO. (34) - ADOPTED - SEE FOLLOWING

Roll Call #17 - Motion (Parks - Greuel) Adopted, Ayes (11); Absent: Alarcon, Cardenas, Hahn and Weiss (4)

[09-0417](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to a proposed offer in compromise by Vonage America, Inc., in the dispute between the Office of Finance and Vonage America, Inc.

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

ADOPTED

MOTION (PARKS - GREUEL)

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

APPROVE an offer in compromise proposed by Vonage America, Inc., in which:

- a. Vonage agrees that it will not file any legal challenges to Los Angeles Municipal Code Section 21.1.3, and that it will continue to remit Communication Users Taxes to the City on a prospective or going-forward basis for the services that Vonage sells to its customers who have provided a Los Angeles service or billing address.
- b. Vonage requests a waiver of any of Vonage's, or its predecessor companies' or affiliates, potential past liabilities for any uncollected taxes owed under the Los Angeles Telephone Users Tax or under Communication Users Taxes prior to July 2008, when Vonage registered with the Office of Finance and began remitting Communication Users Taxes to the City.

This matter was approved by the Vice-Chair and Member of the Budget and Finance Committee (Greuel-Rosendahl "yes") at its meeting on June 1, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (35) - ADOPTED - SEE FOLLOWING

Roll Call #18 - Motion (Parks - Greuel) Adopted, Ayes (11); Absent: Alarcon, Cardenas, Hahn and Weiss (4)

[09-0816](#)

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 City of Los Angeles v. Paycom Billing Services, Inc., Los Angeles Superior Court Case No. BC393939. (This matter involves a dispute between the Office of Finance and Paycom Billing Services, Inc., involving uncollected business taxes.)

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

ADOPTED

MOTION (PARKS - GREUEL)

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

APPROVE an offer in compromise relating to Paycom Billing Services, Inc., in which.

- a. Paycom agrees to pay to the City the sum of \$750,000 in a single lump-sum payment within ten (10) days of Council approval.
- b. The City agrees to dismiss with prejudice two Complaints it has filed against Paycom.

This matter was approved by the Vice-Chair and Member of the Budget and Finance Committee (Greuel - Rosendahl "yes") at its meeting on June 1, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (36) - CONTINUED TO JUNE 12, 2009

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(b)(3)(D) in order to confer with the City Attorney about the threat of litigation concerning furloughs, layoffs and other labor related issues; and, pursuant to Government Code Section 54957.6, to consider recommendations of the Executive Employee Relations Committee concerning further bargaining instructions to the City Administrative Officer, and other issues involving employee wages and benefits with respect to the following:

Approval of the 2009-10 Employee Furlough Program and related bargaining instructions to the City's labor negotiators; and discussion of other related issues, including retirement incentives.

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

[09-1400](#)

MOTION (PERRY - REYES) relative to declaring the Annual MOCA Gala on November 14, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-1402](#)

MOTION (GARCETTI - LABONGE) relative to declaring The Truth Anit-Smoking event on June 24, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

[09-1401](#)

MOTION (ZINE - REYES) relative to declaring the Winnetka Neighborhood Pride Day on June 13, 2009 a Special Event (fees and costs absorbed by the City = \$2,078).

[09-0011-S37](#)

MOTION (LABONGE - GREUEL) relative to additional for the watering and maintenance of the 20 pink Tabebuia trees on the north side of Cahuenga Boulevard, from Barham Boulevard west to the Universal Studios Bridge in Council District Four.

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

[07-1993-S1](#)

RESOLUTION (GARCETTI - ROSENDAHL) relative to declaring June 19, 2009 as Aung San Suu Kyi Day in the City of Los Angeles.

[07-2294-S1](#)

RESOLUTION (GARCETTI - CARDENAS) relative to declaring June 17th of each year to be World Day for International Justice in the City of Los Angeles.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon her request, and without objections, Councilmember Greuel was excused to leave at 12:00 p.m. from the Council session of Tuesday, June 16, 2009 due to City business.

Upon his request, and without objections, President Garcetti was excused from Council session of Tuesday, September 22, 2009 due to Personal business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

09-0727 - Fair Avenue Elementary School	(Greuel - All Councilmembers)
Dario Bravo	(Greuel - All Councilmembers)
Detective Elehue "Skip" Bauchman	(Garcetti - All Councilmembers)
Bill Handel	(Garcetti - LaBonge)
Dr. Michael O'Sullivan	(Garcetti - All Councilmembers)
J. Nicholas Counter III	(Garcetti - All Councilmembers)

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

09-0726 - Marcella Mae Meyer	(Greuel - Huizar)
Frank Vellone	(Smith)

Ollie Onella Thomas

(Zine - Perry)

Ayes, Greuel, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Smith, Wesson, Zine and President Garcetti (11); Absent: Alarcon, Cardenas, Hahn and Weiss (4).

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL