

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **June 24, 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, Rosendahl, Smith, Wesson and President Garcetti (13); Absent: Smith and Weiss (2).**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
JUNE 19, 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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### **Items Noticed for Public Hearing - Items 1-3**

#### **ITEM NO. (1) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION**

**Roll Call #5 - Motion (Rosendahl - Garcetti) Adopted to Grant Application, Ayes (13); Absent: Smith and Weiss (2)**

[09-1118](#)  
CD 11

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption at Trader Joe's located at 11755 West Olympic Boulevard.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at Trader Joe's located at 11755 West Olympic Boulevard, Los Angeles, 90064, will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at 11755 West Olympic Boulevard.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4

Applicant: Trader Joe's Company (Art Rodriguez and Associates, representative)

TIME LIMIT FILE - JUNE 26, 2009

(LAST DAY FOR COUNCIL ACTION - JUNE 26, 2009)

**ITEM NO. (2) - CONTINUED TO JULY 10, 2009**

**Roll Call #1 - Motion (Rosendahl - Reyes) Adopted to Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)**

[09-1263](#)

CD 11

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" Alcohol Sales for off-site consumption at Express Food Mart located at 305 Lincoln Boulevard.

Recommendations for Council action:

1. DETERMINE that the "Public Convenience or Necessity" WILL NOT BE SERVED by the proposed sale of alcohol for off-site consumption at Express Food Mart located at 305 Lincoln Boulevard, Venice, 90291, inasmuch as the site is located in a high crime reporting district and in a census tract with an undue concentration of alcoholic beverage sales licenses.
2. DENY the Application for Determination of Public Convenience or Necessity" for the sale of alcoholic beverages at 305 Lincoln Boulevard, based upon the above finding and the negative influence associated with the sale of alcohol in the concerned community.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: 777 Market, Inc. (Amlex - Attn: Lorrie Hoel, representative)

TIME LIMIT FILE - JULY 13, 2009

(LAST DAY FOR COUNCIL ACTION - JULY 10, 2009)

**ITEM NO. (3) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION**

**Roll Call #5 - Motion (Rosendahl - Garcetti) Adopted to Grant Application, Ayes (13); Absent: Smith and Weiss (2)**

[09-1322](#)

CD 12

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption at Fresh & Easy Neighborhood Market at 19320 West Nordhoff Street.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at Fresh & Easy Neighborhood Market located at 19320 West Nordhoff Street, Northridge, 91324, will serve the "Public Convenience or Necessity" and will not tend to create a law enforcement problem.
2. GRANT the Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at 19320 West Nordhoff Street.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Fresh & Easy Neighborhood Market, Inc. (Dwight Steinert, Planning Associates, Inc., representative)

TIME LIMIT FILE - JULY 20, 2009

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

## Items for Which Public Hearings Have Been Held - Items 4-16

### ITEM NO. (4) - ADOPTED

#### Roll Call #9 - Motion (LaBonge - Reyes) Adopted, Ayes (14); Absent: Weiss (1)

#### [09-1196](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the Mayor's appointment of Ms. Barbara Romero to the City Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Barbara Romero to the City Planning Commission for the term ending June 30, 2011, to fill the vacancy created by Ricardo Lara, who resigned on April 9, 2009, is APPROVED and CONFIRMED. Ms. Romero resides in Council District Four. (Current Commission gender composition: M=5; F=3 and one vacancy)

Ethics Commission Review: Complete.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 6, 2009

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

**Roll Call #6 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Smith and Weiss (2)  
(Item Nos. 5-8)**

**ITEM NO. (5) - ADOPTED**

[09-0752](#)

CD 11

NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change in an area generally bounded by and the parcels fronting on Cliffwood Avenue on the north, Carmelina Avenue on the east, Sunset Boulevard on the south, and Rockingham Avenue on the west.

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 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. 09-0752 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 Negative Declaration [ENV 2008-4732 ND] filed on February 27, 2009.
2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the CPC, effecting a zone change from RA-1 to RE20-1 in an area generally bounded by and the parcels fronting on Cliffwood Avenue on the north, Carmelina Avenue on the east, Sunset Boulevard on the south, and Rockingham Avenue on the west, there are no development project, within a portion of Brentwood Park.

Applicant: City of Los Angeles

CPC 2008-4731 ZC

4. 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.
5. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 6, 2009

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

**ITEM NO. (6) - ADOPTED**

[09-0905](#)

CDs 8 & 9

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Coliseum District Specific Plan for property at 3911 South Figueroa and 3843 South Grand Avenue, within the South Los Angeles Community Plan Area.

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

1. ADOPT the FINDINGS of the City Planning Commission (CPC) that the previously adopted Mitigated Negative Declaration, as adopted by the Los Angeles Memorial Coliseum Commission as the lead agency in January 2009, is adequate for the purposes of adopting the proposed amendments to the Coliseum District Specific Plan and termination of the Development Agreement for the project.
2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the CPC, amending the Coliseum District Specific Plan for a portion of the South Los Angeles Community Plan Area, generally bounded by Exposition Boulevard on the north, Figueroa Street on the east and Vermont on the west, plus the existing Major Site Sign located easterly of the 110 (Harbor Freeway) and for property located at 3911 South Figueroa Street and 3843 South Grand Avenue. The modified Specific Plan will provide regulatory controls relative to the Los Angeles Memorial Coliseum Renovation Project, a master alcohol permit which will conform and codify previous deemed to be approved and approved Conditional Use Permits for on-site alcohol sales within the Coliseum and related areas, required parking spaces (850) for the Coliseum facility, the sales and service of alcoholic beverages for on-site consumption in conjunction with Coliseum related uses, regulations for up to 44,000 square feet of off-site signage for the Coliseum related uses, and the construction of up to 200 luxury suites and other structural upgrades to the Coliseum facility.

Applicant: City of Los Angeles and Los Angeles Memorial Coliseum      CPC 2006-3082 SP-DA  
Representative: Robert Sutton

4. TERMINATE the Development Agreement between the City of Los Angeles and the Los Angeles Memorial Coliseum Commission, inasmuch as the public benefits proposed by the adopted Development Agreement were to be paid for and provided by the National Football League which is no longer the developer of the proposed stadium.

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.

**ITEM NO. (7) - ADOPTED**

[08-0600-S52](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the status of liability accounts as of December 31, 2008.

Recommendations for Council action:

1. NOTE and FILE the City Attorney's report relative to the status of liability accounts as of December 31, 2008, inasmuch as the report is submitted for information only and no further Council action is necessary.
2. REQUEST the City Attorney, in future liability account status reports, to provide additional detail relative to a short synopsis of each case and the City department involved, where applicable.

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

[Council may recess to Closed Session, pursuant to Government Code Sections 54956.9(a) and/or (b), to confer with its legal counsel on the above matter.]

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

[08-1292-S2](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the Reserve Fund Statement of Condition and status of all Reserve fund loans as of March 31, 2009.

Recommendation for Council action:

NOTE and FILE the Controller's report relative to the Reserve Fund Statement of Condition and status of all Reserve Fund loans as of March 31, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**ITEM NO. (9) - CONTINUED TO JUNE 30, 2009**

**Roll Call #3 - Motion (Hahn - Rosendahl) Adopted to Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)**

[08-2475-S5](#)

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to funding in connecting with Phase II of the Pachyderm Forest Exhibit (PFE).

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

1. AUTHORIZE the Controller to increase appropriations in the amount of \$900,000 from Proposition CC General Obligation Fund No. 15K, Account No. T211, entitled Middle Zoo - Pachyderm Forest, to the Department of General Services (GSD), Fund No. 100/40, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1101	Hiring Hall Construction	\$300,000
1121	Hiring Hall Fringe Benefits	114,000
3180	Construction Materials and Supplies	<u>486,000</u>
	Total	\$900,000

2. AUTHORIZE the Controller to increase appropriations in the amount of \$179,308 from various Proposition CC General Obligation Funds to the GSD, Fund No. 100/40, as follows:

From:			
<u>Fund</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
199	P204	Infrastructure	\$56,490.71
15F	S204	Infrastructure	22,961.80
15K	T204	Infrastructure	<u>99,855.49</u>
		Total	\$179,308.00

To:		
<u>Account</u>	<u>Title</u>	<u>Amount</u>
1014	Construction Salaries	\$20,000
3180	Construction Materials and Supplies	<u>159,308</u>
	Total	\$179,308

3. AUTHORIZE the Board of Public Works, in accordance with Recommendation Nos. 1 and 2, to transfer cash from the appropriate Proposition CC General Obligation Fund to reimburse the General Fund on an as-needed basis upon proper documentation from the Bond Fund Administrator and approval of the Bureau of Engineering Program Manager and the City Administrative Officer (CAO).
4. INSTRUCT the Los Angeles Zoo to work with the Bureau of Engineering, CAO and Chief Legislative Analyst to create language that would require that any cost overruns incurred in Phase III construction of the PFE shall not be paid for by the City, County Bonds, or any other funding source other than the Greater Los Angeles Zoo Association.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. The cost of the construction activities at the Los Angeles Zoo, as detailed in the June 11, 2009 CAO report and attached to the Council file, will be paid for with Proposition CC General Obligation Bond funds.

Community Impact Statement: None submitted.

(Arts, Parks, Health and Aging and Public Works Committees waived consideration of the above matter)

**Roll Call #6 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Smith and Weiss (2)  
(Item Nos. 10-11)**

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

[09-0600-S23](#)

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the City's Purchasing Card Program.

Recommendations for Council action:

1. NOTE and FILE the May 8, 2009 the City Administrative Officer (CAO) report relative to the City's Purchasing Card Program.
2. INSTRUCT the CAO and Office of the Treasurer to contact other government entities to include Los Angeles County, Los Angeles Unified School District, Orange County, Los Angeles County Metropolitan Transportation Authority and any other relevant entity in regard to the possibility of their participating in the City's P-Card Program and to report back to Council within 30 days with the results of said contact.

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

Community Impact Statement: None submitted.

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

[09-0600-S26](#)

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the lease cost increases for the Los Angeles Housing Department (LAHD).

Recommendation for Council action:

NOTE and FILE the May 8, 2009 the City Administrative Officer report relative to lease cost increases for the LAHD.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**ITEM NO. (12) - CONTINUED TO JULY 7, 2009**

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

[09-0648-S6](#)

COMMUNICATION FROM THE COMMUNITY DEVELOPMENT DEPARTMENT relative to Community Development Block Grant funding awarded under the federal American Recovery and Reinvestment Act.



(Personnel 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 Personnel Committee at 213-978-1078.)

(Ad Hoc Committee on Economic Recovery and Reinvestment waived consideration of the above matter.)

**Roll Call #6 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Smith and Weiss (2)  
(Item Nos. 13-16)**

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

[05-0872-S145](#)

CD 11

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an application for a hardship exemption from provisions of the Medical Marijuana Dispensaries Interim Control Ordinance (ICO) for property at 609 Rose Avenue.

Recommendation for Council action:

DENY the application for a hardship exemption from provisions of the Medical Marijuana Dispensaries ICO (No. 179027) for New Age Wellness Group, Inc., a Nonprofit Corporation, located at 609 Rose Avenue.

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

Community Impact Statement: None submitted.

**ITEM NO. (14) - ADOPTED**

[08-0908](#)

CD 1

NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and RESOLUTION relative to a General Plan Amendment to the Transportation Element of the General Plan and the Northeast Los Angeles Community Plan.

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 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. 08-0908 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 Negative Declaration [ENV 2009-0293 ND] filed on March 6, 2009.
2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.

3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the City Planning Commission, APPROVING the proposed General Plan Amendment to the Transportation Element of the General Plan and the Northeast Los Angeles Community Plan, to re-designate the segment of South Avenue 52 and Griffin Avenue between the 110 Freeway and Avenue 43 from a Secondary Highway to a Modified Collector Street, within the Northeast Los Angeles Community Plan.

Applicant: City of Los Angeles

CPC 2009-0292 GPA

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 - AUGUST 24, 2009

(LAST DAY FOR COUNCIL ACTION - AUGUST 14, 2009)

#### ITEM NO. (15) - ADOPTED

[09-0721](#)  
CD 4

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the See's Candy Shop and Kitchen No. 1 located at 135-39 North Western Avenue 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 See's Candy Shop and Kitchen No. 1 located at 135-39 North Western Avenue in the list of Historic-Cultural Monuments.

Applicant: Charlene E. Nichols

CHC 2009-210 HCM

Owner: Paris Plaza Realty, LLC and David D. Lee

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. (16) - ADOPTED - FORTHWITH**

09-1046-S1

CD 5

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to appeals of Vesting Tentative Tract Map No. 66144 for property at 9760 West Pico Boulevard.

Recommendations for Council action:

1. FIND that the previously certified Environmental Impact Report (EIR) No. ENV-2007-2476, and State Clearing House No. 2008-031095 is adequate for this action. (On June 10, 2009, the City Council certified EIR ENV-2007-2476 for this site, and adopted the City Planning Commission findings, as modified relative to the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program under Council file No. 09-1046.)
2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.
3. RESOLVE TO DENY APPEALS filed by: Scott Diamond (on behalf of Beverlywood Homes Association); and Susan Gans, Esq. and Daniel Fink, M.D. (on behalf of Homeowners Opposed to Museum Expansion), from the entire determination of the CPC in approving the Vesting Tentative Tract Map No. 66144, as modified, and THEREBY APPROVE Vesting Tentative Tract Map No. 66144 to permit a three-lot airspace subdivision including one master lot and two airspace lots of an existing school building on a 59,336 square-foot (1.36 acres site), within the C4-1VL-O and R1-1-O Zones for property at 9760 West Pico Boulevard, subject to Conditions of Approval.

Applicant: Susan Burden/Simon Wiesenthal Center, Inc.

VTT-66144-1A

4. 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.
5. 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 1, 2009

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

## Items for Which Public Hearings Have Not Been Held - Items 17-24

(10 Votes Required for Consideration)

### ITEM NO. (17) - ADOPTED - FORTHWITH

Roll Call #10 - Motion (LaBonge - Hahn) Adopted, Ayes (14); Absent: Weiss (1)

[09-1427](#)

COMMUNICATIONS FROM THE CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE and EXECUTIVE EMPLOYEE RELATIONS COMMITTEE (EERC) relative to the appointment of Mr. Martin J. Gomez as the permanent City Librarian.

#### A. COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Martin J. Gomez as permanent City Librarian, pursuant to Charter Section 508(b), is APPROVED and CONFIRMED.

Ethics Commission Review: Pending

Community Impact Statement: None submitted.

TIME LIMIT FILE - JULY 26, 2009

(LAST DAY FOR COUNCIL ACTION - JULY 24, 2009)

#### B. COMMUNICATION FROM THE EERC

Recommendation for Council action:

RESOLVE that the salary rate of pay for the position of permanent City Librarian shall BE ESTABLISHED, as recommended by the Mayor and approved by the EERC on June 18, 2009. The effective date of the permanent appointment is the date of City Council confirmation.

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

### ITEM NO. (18) - ADOPTED

Roll Call #11 - Motion (Hahn - Rosendahl) Adopted, Ayes (14); Absent: Weiss (1)

[09-1197](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Hector Gallegos to the Board of the Los Angeles Convention Center.

Recommendations for Council action:

RESOLVE that the Mayor's appointment of Mr. Hector Gallegos to the Board of the Los Angeles Convention Center for the term ending June 30, 2012, is APPROVED and CONFIRMED. Mr. Gallegos will fill the vacancy created by Ms. Concepcion Lara. Mr. Gallegos resides in Council District 11. (Current Commission gender composition: M=2; F=3)

Ethics Commission Review: Complete

Background Check Review: Pending

TIME LIMIT FILE - JULY 5, 2009

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

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

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

**Roll Call #7 - Motion (Hahn - Zine) Adopted, Ayes (13); Absent: Smith and Weiss (2)**

[09-0600-S117](#)

CONTINUED CONSIDERATION OF 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 (FY) 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 FY 2009-10 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.

(Continued from Council meeting of June 10, 2009)

**Roll Call #3 - Motion (Hahn - Rosendahl) Adopted to Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)  
(Item Nos. 20-21)**

**ITEM NO. (20) - CONTINUED TO JUNE 30, 2009**

[09-0944-S1](#)

GENERAL EXEMPTION, COMMUNICATIONS FROM THE BOARD OF HARBOR COMMISSIONERS (Board) and CITY ADMINISTRATIVE OFFICER (CAO) and ORDINANCE FIRST CONSIDERATION relative to Permanent Board Order No. 09-6986 establishing Port of Los Angeles Tariff No. 4, Section 23, Items 2300 and 2305 to create the Intermodal Container Discount Program.

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

1. FIND that permanent order No. 09-6986 to establish Port of Los Angeles Tariff No. 4, Section 23, Items 2300 and 2305 will not affect the physical environment and as such, the proposed activities are exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section I of the City's CEQA Guidelines.
2. CONCUR with the action taken by the Board at its meeting held February 19, 2009, approving Permanent Board Order No. 09-6986 establishing Port of Los Angeles Tariff No. 4, Section 23 Intermodal Containers - General Rules and Regulations.
3. PRESENT and ADOPT the accompanying ORDINANCE approving Permanent Board Order No. 09-6986 establishing Port of Los Angeles Tariff No. 4, Section 23, Items 2300 and 2305 Intermodal Containers - General Rules and Regulations, to create the Intermodal Container Discount Program, providing a ten percent discount on intermodal container charges per TEU payable by eligible Port tenants (shipping lines or their terminal operators) and due to the Port between January 1, 2009 and December 31, 2009.

Fiscal Impact Statement: The CAO reports that approval of this request will not impact the General Fund. The Harbor Department Port projects a decline of seven percent in total operating revenue from Fiscal Year (FY) 2007-08 to FY 2008-09 and a 2.5 percent from FY 2008-09 to FY 2009-10. The financial liability to the Port for the 101 program will be approximately \$13 million in revenue from the discounts provided in the program. The Port plans to split the impact from the departmental budget by taking \$6.5 million in FY 2008-09. Since the Port is bound only by the City Debt Management Policies, the City Financial Policies are not applicable.

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

**ITEM NO. (21) - CONTINUED TO JUNE 30, 2009**

[09-0944-S2](#)

GENERAL EXEMPTION, COMMUNICATIONS FROM THE BOARD OF HARBOR COMMISSIONERS (Board) and CITY ADMINISTRATIVE OFFICER (CAO) and ORDINANCE FIRST CONSIDERATION relative to Permanent Order No. 09-6991 amending Port of Los Angeles Tariff No. 4, Section 23, Items 2310 and 2315, Intermodal Containers - General Rules and Regulations.

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

1. FIND that permanent order No. 09-6991 to establish Port of Los Angeles Tariff No. 4, Section 23, Items 2310 and 2315 will not affect the physical environment and as such, the proposed activities are exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(m) of the City's CEQA Guidelines.
2. CONCUR with the action taken by the Board at its meeting held March 19, 2009, approving Permanent Order No. 09-6991 amending Port of Los Angeles Tariff No. 4, Section 23, Items 2310 and 2315, Intermodal Containers - General Rules and Regulations.
3. PRESENT and ADOPT the accompanying ORDINANCE approving Permanent Order No. 09-6991 amending Port of Los Angeles Tariff No. 4, Section 23, Items 2310 and 2315, Intermodal Containers - General Rules and Regulations, that will provide definitions for and a financial incentive to the Intermodal Container Incentive Program (IPI) for eligible ocean-going vessels by paying the shipping companies \$20 per 20-foot equivalent unit for each additional newly loaded intermodal container that enters and leaves the Port by rail from May 1, 2009 to April 30, 2010.

Fiscal Impact Statement: The CAO reports that approval of this request will not impact the General Fund. The proposed amendment will provide definitions for and a financial incentive to the IPI by paying the shipping companies \$20 per 20-foot equivalent unit (TEU). The IPI is projected to generate approximately 45,000 additional TEU containers and a net revenue amount of \$850,000 during the scheduled incentive period. Since the Port is bound only by the City Debt Management Policies, the City Financial Policies are not applicable.

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

**Roll Call #7 - Motion (Hahn - Zine) Adopted, Ayes (13); Absent: Smith and Weiss (2)  
(Item Nos. 22-23)**

**ITEM NO. (22) - ADOPTED**

[09-0005-S388](#)

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 17, 2009:

[09-0005-S388](#)

CD 8

- a. Property at 1427 West 84th Street aka 1427 1/2 West 84th Street (Case No. 210767).  
Assessor I.D. No. 6034-020-019

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

[09-0005-S389](#)

CD 14

- b. Property at 222 North Soto Street aka 222 1/2 North Soto Street (Case No. 210833).  
Assessor I.D. No. 5180-001-011

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

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

[09-1080](#)

COMMUNICATION FROM CHAIR, AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT relative to the extension of Gang Reduction Program and Office of Juvenile Justice and Delinquency Prevention Child Protection Division Continuation Program grants.

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

APPROVE the recommendations of the City Administrative Officer (CAO), as shown in the CAO report dated June 16, 2009 (attached to the Council file), relative to the extension of Gang Reduction Program and Office of Juvenile Justice and Delinquency Prevention Child Protection Division Continuation Program grants.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund as a result of these actions. These actions comply with the City Financial Policies in that grant funds are available from the U.S. Department of Justice to finance the continued implementation of the Gang Reduction Program in Boyle Heights.

Community Impact Statement: None submitted.

#### **ITEM NO. (24) - CONTINUED TO SEPTEMBER 22, 2009**

**Roll Call #4 - Motion (Wesson - Parks) Adopted to Continue, Unanimous Vote (13); Absent: Smith and Weiss (2)**

[08-3084](#)

CD 10

CATEGORICAL EXEMPTION and COMMUNICATION FROM THE CITY ENGINEER relative to an offer to dedicate an easement for storm drain purposes on Second Avenue south of the alley south of Washington Boulevard (Right of Way No. 36000-1733).

Recommendations for Council action:

1. FIND that the offer to dedicate an easement for storm drain purposes on Second Avenue south of the alley south of Washington Boulevard (Right of Way No. 36000-1733) is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(19) of the City's Environmental Guidelines.



2. AUTHORIZE the Board of Public Works to acquire the easement for storm drain purposes on Second Avenue south of the alley south of Washington Boulevard (Right of Way No. 36000-1733), as depicted on the Exhibit Map in the November 30, 2008 City Engineer report, attached to the Council file.
3. INSTRUCT the City Clerk to forward a copy of the Council action on this project be forwarded to the Real Estate Division of the Bureau of Engineering for processing.

Fiscal Impact Statement: The City Engineer reports that a fee of \$2,033 was paid for the processing of this offer to dedicate pursuant to Los Angeles Administrative Code Sections 7.3 and 7.41.1. No additional City Funds are needed.

## **Items Called Special**

### **Motions for Posting and Referral**

### **Councilmembers' Requests for Excuse from Attendance at Council Meetings**

### **Closed Sessions - Items 25-27**

#### **ITEM NO. (25) - MEETING HELD - MOTION ADOPTED**

**Roll Call #17 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Cardenas and Weiss (2)**

[09-0919](#)

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 Sky Sandoval, et al. v. John Richard Grimm, et al., Los Angeles Superior Court Case No. PC040053. (This action arises from a wrongful death incident which occurred on July 28, 2006.)

(Budget and Finance Committee considered the above matter in Closed Session on June 15, 2009.)

**ADOPTED**

#### **MOTION (PARKS - GREUEL)**

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

1. AUTHORIZE the City Attorney to expend \$1,900,000 in settlement of the case entitled Sky Sandoval, et al. v. John Richard Grimm, et al., Los Angeles Superior Court Case No. PC040053, from Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount on or after July 1, 2009, payable to the Law Office of Otto L. Haselhoff, Halpern Law Firm, Inc., Law Office of Wayne McClean, Socorro Rodriguez, Noah Sandoval, Sky Sandoval, Jesse Sandoval, Desiree De Leon and Paul De Leon.

3. **AUTHORIZE the City Clerk to place on the JULY 1, 2009 Council agenda, or as soon thereafter, the following instruction, SUBJECT TO THE APPROVAL OF THE MAYOR:**

**AUTHORIZE the Controller, on or after July 1, 2009, to APPROPRIATE \$1,900,000 from the available cash balance within the Solid Waste Resources Fund No. 508/50 for Liability Claims and TRANSFER therefrom to Liability Claims Fund No. 100/59, Account No. 9770.**

4. **AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer and AUTHORIZE the Controller to implement the instructions.**

**ITEM NO. (26) - MOTION ADOPTED**

**Roll Call #8 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Smith and Weiss (2)**

[09-0996](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Jose Magallon v. City of Los Angeles, et al., United States District Court Case No. CV08-05329 MMM (PLAx). (This case arises out of a 2008 arrest of plaintiff by members of the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on June 15, 2009.)

**ADOPTED**

**MOTION (PARKS - GREUEL)**

**Recommendation for Council action:**

**ADOPT the recommendation of the City Attorney regarding the case entitled Jose Magallon v. City of Los Angeles, et al., United States District Court Case No. CV08-05329 MMM (PLAx). (This case arises out of a 2008 arrest of plaintiff by members of the Los Angeles Police Department.)**

**ITEM NO. (27) - MEETING HELD - MOTION ADOPTED**

**Roll Call #18 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Cardenas and Weiss (2)**

[09-1069](#)

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. Sungard Treasury Systems Inc., Los Angeles Superior Court Case No. BC390389. (This case arises out of a software and licensing services agreement involving the Office of the Treasurer.)

(Budget and Finance Committee considered the above matter in Closed Session on June 15, 2009.)

**ADOPTED**

**MOTION (PARKS - GREUEL)**

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

**AUTHORIZE** the City Attorney to accept SunGard Treasury Systems Inc.'s settlement offer, as follows:

- a. SunGard pays the City \$130,000.
- b. The City represents that it did not misappropriate and/or misuse SunGard's intellectual property when the City subsequently developed its in-house treasury software.

**Items for Which Public Hearings Have Been Held - Items 29-31**

**Roll Call #13 - Motion (Parks - Huizar) Adopted, Ayes (13); Absent: Cardenas and Weiss (2)  
(Item Nos. 29-31)**

**ITEM NO. (29) - ADOPTED**

[06-0895-S33](#)

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer's Investment Report for the month and quarter ending December 31, 2008.

Recommendation for Council action:

NOTE and FILE the City Treasurer's Investment Report for the month and quarter ending December 31, 2008, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

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

[09-0406](#)

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer's Investment Report for the month ending January 31, 2009.

Recommendation for Council action:

NOTE and FILE the City Treasurer's Investment Report for the month ending January 31, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

#### **ITEM NO. (31) - ADOPTED**

##### 09-0406-S1

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer's Investment Report for the month ending February 28, 2009, and related matters.

Recommendations for Council action:

1. NOTE and FILE the City Treasurer's Investment Report for the month ending February 28, 2009, inasmuch as the report is submitted for information only and no Council action is necessary.
2. APPROVE the City Treasurer's recommendation to RATIFY the decision to forego pursuing a Moody's investment service rating for the city's investment portfolio.
3. INSTRUCT the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) to coordinate a meeting(s) with the City Treasurer and the management of the City pension plans to facilitate an exchange of information and expertise as it relates to investment issues.

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

Community Impact Statement: None submitted.

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

(10 Votes Required for Consideration)

#### **ITEM NO. (32) - ADOPTED**

**Roll Call #14 - Motion (Parks - Greuel) Adopted, Ayes (13); Absent: Cardenas and Weiss (2)**

##### 09-0600-S123

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER (CAO) relative to potential layoffs resulting from position deletions.

Recommendation for Council action:

NOTE and FILE the CAO report dated June 15, 2009, relative to potential layoffs resulting from position deletions, inasmuch as the CAO provided a briefing on the information contained in the report to the Budget and Finance Committee on June 8, 2009, and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

(Budget and Finance Committee waived consideration of the above matter)

**ITEM NO. (33) - CONTINUED TO JUNE 26, 2009**

**Roll Call #15 - Motion (Garcetti - Parks) Adopted to Continue, Unanimous Vote (13); Absent: Cardenas and Weiss (2)**

[09-1320](#)

CONTINUED CONSIDERATION OF MOTION (GARCETTI - PARKS - GREUEL - ZINE) relative to the eligibility of City employees to receive all applicable benefits of an early retirement plan.

Recommendation for Council action, pursuant to Motion (Garcetti - Parks - Greuel - Zine):

APPROVE that City employees who retire on or after the approval date of this Motion, but prior to the close of the period established in the early retirement plan as approved by the Council and Mayor, shall be eligible to receive all applicable benefits of an early retirement plan.

Community Impact Statement: None submitted.

(Personnel and Budget and Finance Committees waived consideration of the above matter)

**ITEM NO. (34) - RECEIVED AND FILED**

**Roll Call #16 - Motion (Alarcon - Hahn) Adopted to Receive and File, Ayes (9); Noes: LaBonge, Parks, Perry and Smith (4); Absent: Cardenas and Weiss (2)**

[09-0002-S111](#)

CONTINUED 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)

(Failed of adoption on June 19, 2009 - Continued pursuant to Council Rule 53)

## Closed Session - Item 35

ITEM NO. (35) - CONTINUED TO JUNE 26, 2009

Roll Call #15 - Motion (Garcetti - Parks) Adopted to Continue, Unanimous Vote (13); Absent: Cardenas and Weiss (2)

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

### [09-1564](#)

MOTION (GARCETTI - PARKS) relative to declaring the G-Force on July 19, 2009 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

### [07-2108-S1](#)

MOTION (HUIZAR - HAHN) relative to declaring the Fourth Annual Fayette Summer Street Scene on June 27, 2009 a Special Event (fees and costs absorbed by the City = \$2,835).

### [08-1022-S1](#)

MOTION (ROSENDAHL - SMITH) relative to declaring the Westchester Fourth of July Parade on July 4, 2009 a Special Event (fees and costs absorbed by the City = \$4,564).

### [09-1574](#)

MOTION (ROSENDAHL - LABONGE) relative to declaring the Marina del Rey Fourth of July Fireworks Show on July 4, 2009 a Special Event (fees and costs absorbed by the City = \$34,299).

### [08-1197-S1](#)

MOTION (ROSENDAHL - LABONGE) relative to declaring the Palisades Americanism Annual Fourth of July Parade, 5K and 10K Race and Fireworks Display on July 4, 2009 a Special Event (fees and costs absorbed by the City = \$39,872).

### [09-1568](#)

MOTION (PERRY - ROSENDAHL) relative to declaring the Shakespeare Festival/LA presents Aquila Theatre in As You Like It on July 9-11, 2009 a Special Event (fees and costs absorbed by the City = \$2,500).

[09-1569](#)

MOTION (SMITH - ROSENDAHL) relative to declaring the 34th Navasartian Games on July 2-5, 2009 a Special Event (fees and costs absorbed by the City = \$3,563).

[07-2080-S1](#)

MOTION (GREUEL - LABONGE) relative to declaring the 2009 Fourth of July Family fireworks Festival on July 4, 2009 a Special Event (fees and costs, in an amount not to exceed \$7,112 associated with this event will be reimbursed by Council District Two).

[07-1735-S1](#)

MOTION (GREUEL - LABONGE) relative to declaring the Sunland Tujunga July Fourth Parade on July 4, 2009 a Special Event (fees and costs, in an amount not to exceed \$3,909, associated with this event will be reimbursed by Council District Two).

[09-0010-S41](#)

MOTION (PERRY - PARKS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the looting and rioting activity near Staples Center in downtown Los Angeles, on June 14, 2009.

[09-1566](#)

MOTION (ROSENDAHL - PERRY) relative to initiating alley vacation proceedings for the alley southerly of 35th Street from Hope Street to its easterly terminus in Council District Nine.

[09-0714](#)

MOTION (HUIZAR - LABONGE) relative to the Commercial Facade project along Huntington Drive in El Sereno.

[09-1216](#)

MOTION (WESSON - ZINE) relative to reaffirming the Special Event declaration for the Culver City Farmers' Market.

[09-0369-S6](#)

MOTION (LABONGE - PERRY - ET. AL) relative to exempting water play devices under the Emergency Water Conservation Plan Ordinance.

[09-1573](#)

MOTION (PARKS - PERRY) relative to Heritage Month funding for the Coliseum (and Leimert Park) July Fourth Fireworks Show.

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

[09-1567](#)

RESOLUTION (GARCETTI - GREUEL) relative to funding for the Councilmember-elect Paul Koretz transition staff.

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

[09-0726](#) - Anthony J. Kriss

(Hahn - Garcetti - All Councilmembers)

Ed McMahon

(LaBonge)

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

**Whereupon the Council did adjourn.**

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL