

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

Friday, **February 4, 2011**

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

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Alarcón, Cárdenas, Hahn, Koretz, Krekorian, LaBonge, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (12); Absent: Huizar, Parks and Smith (3)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
FEBRUARY 1, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR -
An opportunity for public testimony was provided.

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED
UPON DURING THE COUNCIL MEETING

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

**Roll Call #1 - Adopted, Ayes (12); Absent: Huizar, Parks and Smith (3)
(Item Nos. 1-3)**

ITEM NO. (1) - ADOPTED

[09-2100](#)
CD 8

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a purchase order increase for Lewis, Brisbois, Bisgaard and Smith for legal services related to the Vermont Manchester Shopping Center Project.

Recommendations for Council action:

1. AUTHORIZE the Community Redevelopment Agency (CRA) Chief Executive Officer, or designee, to increase the purchase order for Lewis, Brisbois, Bisgaard and Smith in an amount not to exceed \$418,430 (from \$436,500 to \$854,930) using Vermont Manchester tax increment in budget line item Community Facilities (Objective VM2040) for legal services related to site assembly, negotiation and documentation of the Vermont Manchester Shopping Center Project in the Vermont Manchester Recovery Redevelopment Project Area, subject to further review by the City Administrative Officer and the Chief Legislative Analyst (CLA) pending resolution of the State budget.

2. AMEND the Fiscal Year (FY) 2011 Budget and Work Program to recognize FY 2010 carryover tax increment funds in the amount of \$418,430. These funds were not included in the recently adopted Carryover Amendment because CRA regional staff anticipated presenting this purchase order increase to the Board of Commissioners prior to the mid-year Amendment.

Fiscal Impact Statement: The CLA reports that there is no fiscal impact to the City's General Fund as a result of this action. The source of funds is tax increment from the Vermont Manchester Redevelopment Project Area.

Community Impact Statement: None submitted.

ITEM NO. (2) - ADOPTED

[10-1880](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to adopting the Fair and Accurate Credit Transaction (FACTA) Policy for parking agreements at Community Redevelopment Agency (CRA)-owned or operated parking facilities.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION [attached to the Chief Legislative Analyst (CLA) report dated January 25, 2011] adopting the CRA FACTA Policy, which requires the CRA to place FACTA compliance language for credit or debit card receipt information in all parking operating agreements at CRA-owned or operated parking facilities.

Fiscal Impact Statement: The CLA reports that there is no fiscal impact to the City's General Fund as a result of this action.

Community Impact Statement: None submitted.

ITEM NO. (3) - ADOPTED

[10-1961](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to authority to award contracts for building construction cost estimating services on an as-needed basis.

Recommendation for Council action:

AUTHORIZE the Community Redevelopment Agency (CRA) Chief Executive Officer, or designee, to award on-call building construction cost estimating services contracts to six firms in a total aggregate amount not to exceed \$1 million for a three-year term, with two one-year extension options, in various CRA Redevelopment Project Areas, subject to further review by the City Administrative Officer and Chief Legislative Analyst (CLA) pending resolution of the State budget.

Fiscal Impact Statement: The CLA reports that there is no impact to the General Fund as a result of this action. Funds will be derived from tax increment from various Redevelopment Project Areas.

Community Impact Statement: None submitted.

ITEM NO. (4) - ADOPTED

Roll Call #3 - Adopted, Ayes (11); Absent: Huizar, Parks, Smith and Zine (4)

[11-0054](#)

CDs 3, 8 & 9

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to adoption of resolution and minutes of the public hearing pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) for the Broadway Villas, Canby Woods Senior Housing, Dunbar Village and Figueroa Senior Housing projects.

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

1. ADOPT the accompanying RESOLUTION and the public hearing minutes attached to the Los Angeles Housing Department (LAHD) report dated January 10, 2011 for the following projects, as required pursuant to the TEFRA:

<u>Project Name</u>	<u>Address</u>	<u>Council District</u>
Broadway Villas	9402-22 South Broadway, Los Angeles, CA 90033	8
Canby Woods Senior Housing	7238 Canby Avenue, Los Angeles, CA 90011	3
Dunbar Village	4201-19, 4225, 4251-63 South Central Avenue, Los Angeles, CA 90011	9
Figueroa Senior Housing	7621 South Figueroa Street, Los Angeles, CA 90044	8

2. INSTRUCT the General Manager, LAHD, or designee, to submit for Mayor and Council approval the final finance structure of the bonds for each project prior to issuance of bonds.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the General Fund. The recommendations involve the adoption of the TEFRA Resolution and the results of a public hearing to facilitate the issuance of tax-exempt multifamily housing revenue bonds for the Broadway Villas, Canby Woods Senior Housing, Dunbar Village and Figueroa Senior Housing Projects. The City's Debt Management Policy is not applicable to these actions since no financial commitments are being made at this time for the projects.

Community Impact Statement: None submitted.

ITEM NO. (5) - ADOPTED - FORTHWITH

Roll Call #1 - Adopted, Ayes (12); Absent: Huizar, Parks and Smith (3)

[10-1926](#)

ARTS, PARKS, HEALTH AND AGING AND JOBS AND BUSINESS DEVELOPMENT COMMITTEES' REPORTS relative to enabling the City's film permit process to require workplace safety in the production of all adult films.

A. ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT

Recommendation for Council action, as initiated by Motion (Rosendahl - Reyes - Garcetti - Koretz):

REQUEST the City Attorney to report back within 45 days to explain the mechanisms necessary to enable the City's film permit process to require workplace safety in the production of all adult films.

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.

B. JOBS AND BUSINESS DEVELOPMENT COMMITTEE REPORT

Recommendations for Council action, as initiated by Motion (Rosendahl - Reyes - Garcetti - Koretz)

1. REQUEST the City Attorney to report back within 45 days to explain the mechanisms necessary to enable the City's film permit process to require workplace safety in the production of all adult films.
2. REQUEST the City Attorney to report back to the Jobs, Business Development Committee and the Public Safety Committee on the status of this matter.
3. REQUEST the City Attorney to include in their report the impact it might have to the City in terms of jurisdiction issues, and to take into account a similar motion that was passed in 2004 (Council file No. 04-0002-S97), and a piece of legislature (AB-2798), and see how both might affect this matter.

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.

Items for Which Public Hearings Have Not Been Held - Items 6-10

(10 Votes Required for Consideration)

Roll Call #4 - Adopted, Ayes (12); Absent: Huizar, Parks and Smith (3)
(Item Nos. 6a-6k, 7)

ITEM NO. (6) - ADOPTED

11-0005-S78

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 January 28, 2011:

11-0005-S78

CD 10

- a. Property at 3210 West 16th Place aka 3212 1/2 West 16th Place (Case No. 223455).
Assessor I.D. No. 5072-032-031

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 11, 2009)

11-0005-S79

CD 10

- b. Property at 3210 West 16th Place aka 3212 1/2 West 16th Place (Case No. 248219).
Assessor I.D. No. 5072-032-031

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 24, 2009)

11-0005-S80

CD 9

- c. Property at 3906 South Hill Street aka 3908 South Hill Street (Case No. 290293).
Assessor I.D. No. 5122-045-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 9, 2010)

11-0005-S81

CD 8

- d. Property at 841 West Florence Avenue aka 841 3/4 West Florence Avenue (Case No. 302716).
Assessor I.D. No. 6013-002-004

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 7, 2010)

[11-0005-S82](#)

CD 13

- e. Property at 1427 North Maltman Avenue aka 1425 1/2 North Maltman Avenue (Case No. 304010).
Assessor I.D. No. 5427-024-020

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 24, 2010)

[11-0005-S83](#)

CD 13

- f. Property at 3355 West Descanso Drive aka 3357 West Descanso Drive (Case No. 310150).
Assessor I.D. No. 5426-009-003

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 8, 2010)

[11-0005-S84](#)

CD 10

- g. Property at 3562 South Jasmine Avenue (Case No. 260672).
Assessor I.D. No. 4313-002-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 11, 2010)

[11-0005-S85](#)

CD 11

- h. Property at 3614 South Kelton Avenue (Case No. 259768).
Assessor I.D. No. 4252-024-033

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 11, 2010)

[11-0005-S86](#)

CD 5

- i. Property at 821 North Beverly Glen Boulevard aka 823 North Beverly Glen Boulevard (Case No. 90463).
Assessor I.D. No. 4371-021-023

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 13, 2008)

[11-0005-S87](#)

CD 9

- j. Property at 1034 West 49th Street (Case No. 196055).
Assessor I.D. No. 5017-027-021

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 20, 2008)

[11-0005-S88](#)

CD 4

- k. Property at 5355 West Olympic Boulevard aka 5361 West Olympic Boulevard (Case No. 209744).
Assessor I.D. No. 5089-024-038

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 15, 2009)

ITEM NO. (7) - ADOPTED

[11-0052](#)

CD 13

CATEGORICAL EXEMPTION and COMMUNICATION FROM THE CITY ENGINEER relative to an offer to dedicate an easement for alley purposes on alley south of Yucca Street east of Highland Avenue (Right of Way No. 36000-1845).

Recommendations for Council action:

1. FIND that the offer to dedicate an easement for alley purposes on alley south of Yucca Street east of Highland Avenue (Right of Way No. 36000-1845) 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 alley purposes on alley south of Yucca Street east of Highland Avenue (Right of Way No. 36000-1845), as depicted on the Exhibit Map B in the December 6, 2010 City Engineer report and 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 \$3,317 was paid for the processing of this action pursuant to Los Angeles Administrative Code Sections 7.3 and 7.41.1. No additional City funds are needed.

**Roll Call #2 - Adopted, Ayes (12); Absent: Huizar, Parks and Smith (3)
(Item Nos. 8-10)**

ITEM NO. (8) - ADOPTED

[10-0010-S12](#)

MOTION (PARKS - LABONGE) relative to reinstating the reward offer in the deaths of Robert Nelson and Drayvon James for an additional six months.

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

REAFFIRM Council's findings and REINSTATE the reward offer relative to the deaths of Robert Nelson and Drayvon James (Council action of February 24, 2010, Council file No. 10-0010-S12) for an additional period of six months from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$75,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (9) - ADOPTED

[10-0497-S1](#)

CD 12

MOTION (SMITH - HUIZAR) relative to installing street banners announcing the Birmingham High School "Dream", "Believe" and to "Achieve" their goals campaign.

Recommendations for Council action:

1. APPROVE the street banner program announcing the Birmingham High School “Dream”, “Believe” and to “Achieve” their goals campaign, as a City of Los Angeles Non-Event, Street Banner Program.
2. APPROVE the content of the street banners for the above specified event.

ITEM NO. (10) - ADOPTED

[03-2084](#)

CD 1

MOTION (HUIZAR - REYES) relative to initiating street vacation proceedings for Ellendale Place and 20th Street Vacation District.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for Ellendale Place and 20th Street Vacation District.
2. DIRECT the Bureau of Engineering to process this vacation request under Council file No. 03-2084.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.
4. DIRECT the City Clerk to append this Motion to Council file No. 03-2084.

Item Noticed for Public Hearing - Item 11

ITEM NO. (11) - CONTINUED TO FEBRUARY 25, 2011

Roll Call #5 - Adopted to Continue, Unanimous Vote (12); Absent: Huizar, Parks and Smith (3)

[10-1976](#)

CD 6

CONTINUED CONSIDERATION OF HEARING COMMENTS relative to an Application for Determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for off-site consumption at Circle K Convenience Market.

Recommendations for Council action:

1. DETERMINE that the “Public Convenience or Necessity” WILL NOT be served by the sale of alcoholic beverages for off-site consumption at Circle K Convenience Market located at 16056 Sherman Way, Van Nuys, 91406, 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 for off-site consumption at 16056 Sherman Way, based upon the above findings 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.

Application filed by: Sherwood Mart, Inc. (Sherrie Olson, representative)

TIME LIMIT FILE - MARCH 7, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 4, 2011)

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, FEBRUARY 4, 2011, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

Roll Call #6 - Motion (Alarcón - LaBonge - et al.) Findings on Need to Act - Adopted, Ayes (10); Noes: Krekorian and President Garcetti (2); Absent: Huizar, Parks and Smith (3)

Roll Call #7 - Motion (Alarcón - LaBonge - et al.) Adopted, Ayes (12); Absent: Huizar, Parks and Smith (3)

11-0002-S11

RESOLUTION (ALARCON - LABONGE - ET AL.) relative to the City's position on legislation and/or administrative action, which would support the Federal Government's position which advocates for a peaceful, meaningful, and immediate transition of power in Egypt

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

ADOPT the accompanying RESOLUTION to include in the City's 2011-12 Federal Legislative Program, SUPPORT for legislation and/or administrative action, which would support the Federal Government's position which advocates for a peaceful, meaningful, and immediate transition of power in Egypt.

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

09-0010-S25

MOTION (CARDENAS - ALARCON) relative to reinstating the reward offer in the death of Eusobia Rojas for an additional six months.

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

[11-0003](#) Toba Greinetz

Zine - Perry

Alarcón, Cárdenas, Hahn, Koretz, Krekorian, LaBonge, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (12); Absent: Huizar, Parks and Smith (3)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL