

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **June 8, 2011**
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: Alarcón, Cárdenas, Hahn, Koretz, LaBonge, Perry, Reyes, Smith, Wesson, Zine (10); Absent: Huizar, Krekorian, Parks, Rosendahl and President Garcetti (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JUNE 3, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 22

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 1-2

ITEM NO. (1) - PUBLIC HEARING CLOSED - ADOPTED

Roll Call #7 - Adopted, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[10-0605](#)
CD 12

HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the Chatsworth Business Improvement District ("District") special assessments for the District's 10th fiscal year (operating year) beginning on June 1, 2011 through May 31, 2012.

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

1. HEAR PROTEST against the proposed levying of the special assessment for the District's 2011-12 fiscal year, pursuant to Section 36524 of the California Streets and Highways Code.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the special assessment for the District's 2011-12 fiscal year, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.
3. APPROVE the Chatsworth Business Improvement District Advisory Board for the District's 2011-12 fiscal year.

4. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute and administer a contract between the City and the Chatsworth Business Improvement Corporation, the nonprofit service provider for administration of the District.

Fiscal Impact Statement: The City Clerk reports that direct costs for Department administration of the District program for its 2011-12 fiscal year will be recovered from the assessments collected. There are no assessments to be paid for City-owned properties located within the boundaries of the District. Therefore, there is no impact to the General Fund.

(Pursuant to Council adoption of Ordinance No. 181686 on April 26 2011.)

ITEM NO. (2) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

Roll Call #1 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)

[08-3343](#)

CD 13

HEARING PROTESTS relative to vacating the Lake Shore Avenue southerly of Montana Street (VAC E1401134).

(Categorical exemption, Findings and Communication from the City Engineer, as amended, adopted on May 10, 2011)

Items for Which Public Hearings Have Been Held - Items 3-11

ITEM NO. (3) - RECEIVED AND FILED, INASMUCH AS MODIFICATION FAILED - SEE FOLLOWING

Roll Call #2 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)

[10-1083](#)

CDs 9 & 14

PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to the modification of the Historic Downtown Los Angeles Property and Business Improvement District (BID), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, if the tabulation of ballots indicates majority support, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE modifying the Historic Downtown Los Angeles Property and Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.

2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to amend contract C-115051 between the City of Los Angeles and the Historic Downtown Los Angeles Business Improvement District Property Owners Association, Inc. as needed to administer the Historic Downtown Los Angeles Business Improvement District's programs upon adoption of the Ordinance modifying the Management District Plan.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the BID and will be recovered from assessments collected. There is one City property in the original boundaries of the BID and which will be unaffected by the proposed modification. Funding is available in the Business Improvement District Trust Fund 659 to pay the General Fund share of assessments.

(Pursuant to Council action of Tuesday, June 7, 2011 and adoption of Ordinance No. 181623 on March 29, 2011.)

ADOPTED

MOTION (PERRY - HUIZAR)

Recommendations for Council action:

1. **NOT PRESENT and ORDER FILED the accompanying ORDINANCE modifying the Historic Downtown Los Angeles PBID and confirming the assessments to be levied upon properties within the PBID, as described in the Management District Plan.**
2. **NOTE and FILE the City Clerk report dated June 8, 2011.**

**Roll Call #17 - Adopted, Ayes (13); Absent: Wesson and President Garcetti (2)
(Item Nos. 4-5)**

ITEM NO. (4) - ADOPTED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

[08-3492](#)

COMMUNICATIONS FROM THE CITY ATTORNEY AND THE CITY ADMINISTRATIVE OFFICER relative to additional funding and a contract term extension for outside counsel in the matter of City of Los Angeles, et al. v. Kern County, et al., (Kern County Biosolids Litigation).

(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.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

[The City Council may recess to Closed Session pursuant to Government Code Section 54956.9(a) to confer with its legal counsel on the above matter.]

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to requests for additional funding and contract term extensions for outside counsel in the matter of City of Los Angeles, et al. v. Kern County, et al. (Kern County Biosolids Litigation) and for other ongoing outside counsel contracts.

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

- 1. AUTHORIZE the Controller to TRANSFER \$1,099,000 from the Unappropriated Balance, City Attorney Outside Counsel including Workers' Compensation line item to the City Attorney, Fund 100/12, Account 9301 for the following contracts and to further increase or provide compensation by amount indicated:**

Albright Yee & Schmit (C 111576)	\$75,000
Burke Williams & Sorensen (C115056)	38,000
Colantuono & Levin (C106214)	175,000
Drinker Biddle & Reath (C 113455)	200,000
Liebert Cassidy & Whitmore (C108297)	386,000
Liebert Cassidy & Whitmore (C109883)	17,000
Liebert Cassidy & Whitmore (C113155)	5,000
Liebert Cassidy & Whitmore (C117391)	12,000
Liebert Cassidy & Whitmore (C111749)	26,000
Liebert Cassidy & Whitmore (C118837)	105,000
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Total Amended Contracts	\$1,039,000
Liebert Cassidy & Whitmore (Charlotte Burns)	60,000
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Total New Contracts	\$1,099,000

- 2. AUTHORIZE the Controller to disencumber the prior year encumbrance established for Eisenberg Raizman Thurston & Wong (C113455) in the amount of \$131,382.87 and re-appropriate same amount to Fund 100/12, Account 9301 and encumber toward the acquiring law firm of Drinker Biddle & Reath (C113455).**
- 3. AUTHORIZE the City Attorney to enter into a Third Supplemental Agreement (C103124) with Miller Van Eaton and to appropriate additional funding up to \$350,000 to be paid out of the Information Technology Agency's Telecommunications Development Account with a new contract term of June 30, 2012.**
- 4. AUTHORIZE the City Attorney to extend Contract No. 110169 with Beveridge & Diamond to May 14, 2012 and appropriate funding in the amount of \$1,106,565 from the Sewer Construction and Maintenance Fund.**
- 5. AUTHORIZE the City Attorney to extend Contract No. 110281 with Bingham McCutchen to December 31, 2010 and appropriate funding in the amount of \$94,000 from the Sewer Construction and Maintenance Fund.**

6. **AUTHORIZE** the City Attorney to amend the following contracts with new contract terms as follows:

Liebert Cassidy & Whitmore C108296 - Extend to June 6, 2013
Liebert Cassidy & Whitmore C108297 - Extend to June 6, 2013
Liebert Cassidy & Whitmore C109883 - Extend to May 31, 2013
Drinker Biddle & Reath C113455 - Extend to April 30, 2013
Adelson Testan Brundo & Jiminez C11 0451 - Extend to May 31, 2013
Ara Aghishian C110450 - Extend to May 31, 2013
Baggett & Mitchell C108309 - Extend to May 31, 2013
Camilo A. Becerra C110454 - Extend to May 31, 2013
Daniel J. Donahue C110453 - Extend to May 31, 2013
Gurvitz Marlowe & Ferris C108308 - Extend to May 31, 2013
Louie Stettler & Liebherr C108660 - Extend to May 31, 2013
Martin & Martin C108315 - Extend to May 31, 2013
Jeffrey Weiss C108316 - Extend to May 31, 2013
Patrick C. Stacker & Associates C108311 - Extend to May 31, 2013
Tennenhouse Minassian & Adham C11 0596 - Extend to May 31, 2013

7. **AUTHORIZE** the Office of the City Attorney to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer (CAO) and **AUTHORIZE** the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that there is no additional impact to the General Fund. The requested amount of \$1,099,000 will be provided from available funds in the Unappropriated Balance, Outside Counsel Including Workers' Compensation line item. These actions will deplete all budgeted funding in the UB. In addition, \$1,550,565 will be appropriated from Special Funds for work already completed or anticipated for next fiscal year. These recommendations are in compliance with the City's Financial Policies as budgeted funds are being used to fund these expenditures.

Community Impact Statement: None submitted.

ITEM NO. (5) - ADOPTED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

[11-0828](#)

COMMUNICATIONS FROM THE CITY ATTORNEY AND THE CITY ADMINISTRATIVE OFFICER relative to a request for additional funding for several ongoing outside counsel contracts.

(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.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

[The City Council may recess to Closed Session pursuant to Government Code Section 54956.9(a) to confer with its legal counsel on the above matter.]

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to requests for additional funding and contract term extensions for outside counsel in the matter of City of Los Angeles, et al. v. Kern County, et al. (Kern County Biosolids Litigation) and for other ongoing outside counsel contracts.

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

1. **AUTHORIZE** the Controller to **TRANSFER** \$1,099,000 from the Unappropriated Balance, City Attorney Outside Counsel including Workers' Compensation line item to the City Attorney, Fund 100/12, Account 9301 for the following contracts and to further increase or provide compensation by amount indicated:

Albright Yee & Schmit (C 111576)	\$75,000
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Total Amended Contracts	\$1,039,000
Liebert Cassidy & Whitmore (Charlotte Burns)	60,000
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Total New Contracts	\$1,099,000

2. **AUTHORIZE** the Controller to disencumber the prior year encumbrance established for Eisenberg Raizman Thurston & Wong (C113455) in the amount of \$131,382.87 and re-appropriate same amount to Fund 100/12, Account 9301 and encumber toward the acquiring law firm of Drinker Biddle & Reath (C113455).
3. **AUTHORIZE** the City Attorney to enter into a Third Supplemental Agreement (C103124) with Miller Van Eaton and to appropriate additional funding up to \$350,000 to be paid out of the Information Technology Agency's Telecommunications Development Account with a new contract term of June 30, 2012.
4. **AUTHORIZE** the City Attorney to extend Contract No. 110169 with Beveridge & Diamond to May 14, 2012 and appropriate funding in the amount of \$1,106,565 from the Sewer Construction and Maintenance Fund.
5. **AUTHORIZE** the City Attorney to extend Contract No. 110281 with Bingham McCutchen to December 31, 2010 and appropriate funding in the amount of \$94,000 from the Sewer Construction and Maintenance Fund.

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Baggett & Mitchell C108309 - Extend to May 31, 2013
Camilo A. Becerra C110454 - Extend to May 31, 2013
Daniel J. Donahue C110453 - Extend to May 31, 2013
Gurvitz Marlowe & Ferris C108308 - Extend to May 31, 2013
Louie Stettler & Liebherr C108660 - Extend to May 31, 2013
Martin & Martin C108315 - Extend to May 31, 2013
Jeffrey Weiss C108316 - Extend to May 31, 2013
Patrick C. Stacker & Associates C108311 - Extend to May 31, 2013
Tennenhouse Minassian & Adham C11 0596 - Extend to May 31, 2013

7. **AUTHORIZE the Office of the City Attorney to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer (CAO) and AUTHORIZE the Controller to implement the instructions.**

Fiscal Impact Statement: The CAO reports that there is no additional impact to the General Fund. The requested amount of \$1,099,000 will be provided from available funds in the Unappropriated Balance, Outside Counsel Including Workers' Compensation line item. These actions will deplete all budgeted funding in the UB. In addition, \$1,550,565 will be appropriated from Special Funds for work already completed or anticipated for next fiscal year. These recommendations are in compliance with the City's Financial Policies as budgeted funds are being used to fund these expenditures.

Community Impact Statement: None submitted.

ITEM NO. (6) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #16 - to Adopt as Amended, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[10-2440](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the 2011-12 (37th Program Year) Community Development Block Grant (CDBG) budget amendment based on reduced entitlement allocation.

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

1. APPROVE the Amended budget for the CDBG Program, included as Attachment A to the joint Chief Legislative Analyst (CLA)/City Administrative Officer (CAO) report dated May 31, 2011 and as amended by the Council.

2. AUTHORIZE:

- a. The General Manager, CDD, or designee, to submit the Amended Final 37th Program Year Consolidated Plan (Amended 37th PY Con Plan) - Fourth Year Action Plan to the U.S. Department of Housing and Urban Development (HUD) upon approval by the Mayor and Council.
- b. The General Managers of CDD and Los Angeles Housing Department (LAHD), or designees, and other implementing departments, or designees, to: 1) prepare Controller's instructions and make technical adjustments that may be required and are consistent with the report recommendations, 2) amend the necessary Action Plan to reflect this action, and 3) authorize the Controller to implement the instructions, subject to approval of the CAO.
- c. The CAO and CLA, with assistance from the General Managers of CDD and LAHD, to make any necessary technical adjustments to the documents included in the joint CLA/CAO report to reflect Mayor and Council action approving the Amended 37th PY Con Plan.

d. The Controller to:

- 1) ESTABLISH and/or INCREASE accounts within the Community Development Trust Fund No. 424 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
G108	Building and Safety	377,564
G112	City Attorney	321,766
G184	Public Works Street Lighting	18,000

- 2) APPROPRIATE \$377,564 to Fund No. 100/08, Building and Safety, for the Citywide PACE Program as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries	369,984
3040	Contractual Services	1,280
3310	Transportation	6,300

- 3) APPROPRIATE \$321,766 to Fund No. 100/12, City Attorney, Account No. 1020, Grant Salaries, for the PACE (\$122,318) and Falcon (\$199,448) Programs.

- 4) APPROPRIATE \$18,000 to Fund No. 100/84, Public Works Street Lighting for the Pacoima Lighting (\$13,000) and Sun Valley Lighting (\$5,000) Programs as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries	15,000
1090	Overtime	3,000

3. CONTINUE the hiring freeze on all Consolidated Plan-funded positions during the 37th PY, or until subsequent Council and Mayor action. Positions will continue to be considered for unfreeze through the Managed Hiring process.
4. APPROVE the reprogramming of \$9.56 million in CDBG funds listed in Attachment B of the joint CLA/CAO report, subject to final verification by CDD, CLA and CAO.
5. INSTRUCT:
 - a. The CAO, or designee, to report within 21 days of the Council and Mayor's approval of the Amended 37th PY Con Plan with recommendations on departmental requests and necessary implementing language for related authorities and administrative allocations as outlined in the joint CLA/CAO report.
 - b. The CLA and CAO to continue to meet with the Mayor, Council Offices and departments regarding prior year unspent CDBG balances to determine if additional savings can be realized for potential reprogramming and/or over-obligation reduction during the 37th Program Year.
 - c. The CDD to ensure that any reductions to funding will result in a balance between program costs and personnel costs, and instruct CDD to report to Council by June 30, 2011, and indicate how these reductions will result in a balance between program costs and personnel costs pursuant to Council action on May 18, 2011 (Council file No. 11-0600).
6. AUTHORIZE program implementing departments to negotiate and execute contracts and interdepartmental agreements with the grant recipients identified in Attachment A of the joint CLA/CAO report, in an amount not to exceed that set forth in the Amended 37th PY Con Plan, and in consultation with CDD and LAHD as the grant administrators, and in substantial conformance with the pro forma agreements for activities as provided in Council file No. 10-2440, and subject to the following: 1) review and approval of the City Attorney as to form and legality; 2) review and approval by the Department of Public Works, Bureau of Contract Administration as to compliance with City and federal contract requirements; 3) review and approval by the City Administrative Officer Risk Management Group as to compliance with insurance requirements, if applicable; and 4) receipt by the City of the grant funds.
7. INCREASE Line No. 131, Old City Jail Feasibility Study by \$50,000 and DECREASE Line No. 124, CDD (including Related Costs) by \$50,000 (See Attachment A-CLA/CAO report dated May 31, 2011).

Fiscal Impact Statement: The CLA and CAO report that there is a General Fund impact. The recommendations within their report address the 37th Program Year Community Development Block Grant Budget (37th PY CDBG Budget) for 2011-12, which is comprised of total funds of approximately \$92.8 million from the federal Community Development Block Grant. All recommendations are subject to the final award of grant funds by the US Department of Housing and Urban Development.

As proposed, the Amended 37th PY CDBG Budget would provide approximately \$33.1 million to support filled positions (direct salaries: \$24.3 million, related cost reimbursement: \$8.8 million). The General Fund would contribute approximately \$2.8 million for CDBG-funded related costs. This is an increased level of General Fund participation of approximately \$200,000 from the previously Adopted 37th PY Budget, which included a General Fund contribution of approximately \$2.6 million for CDBG-funded related costs. This increase is due primarily to the reduction of administrative and planning funds that are subject to a HUD funding cap. The Amended 37th PY CDBG Budget includes a reduced level of General Fund participation of approximately \$500,000 from the 36th PY level of approximately \$3.3 million. This is due primarily to a reduced salary base and lower related costs associated with CAP 32.

It is a policy decision as to how and at what level the City will participate with City resources, specifically the General Fund, in funding the CDBG grant program activities. Further attempts to decrease the General Fund participation are likely to result in reduction of staff performing program delivery or cuts to programs themselves. In light of the City's fiscal constraints, efforts will continue to reduce the gap between General Fund participation and CDBG related cost reimbursement.

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (WESSON - CARDENAS)

Recommendation for Council action:

FUND the Community Arts Program (Attachment A - No. 23) in the amount of \$63,000 and reduce funding for Human Relations Advocated (Attachment A - No. 17) by \$18,000 to \$282,000.

ADOPTED

AMENDING MOTION (WESSON - CARDENAS)

Recommendations for Council action:

ADD the following additional recommendations relative to contract authorities:

- 8. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to implement the activities identified in the additional Attachments D through F appended to this report through the negotiation and execution of amendments to existing contracts and agreements for services as approved and as identified in Attachment A of the Chief Legislative Analyst (CLA)/City Administrative Officer (CAO) report dated May 31, 2011 (CLA/CAO Report) (Council file No. 10-2440, and, in substantial conformance with the pro forma agreements for activities as provided in Council file No. 10-2440 and, subject to the following: 1) review and approval of the City Attorney as to form and legality; 2) review and approval by the Department of Public Works, Bureau of Contract Administration (BCA) as to compliance with City and federal contract requirements; 3) review and approval by CAO Risk Management Group (Risk Management) as to compliance with insurance requirements, if applicable; and, 4) receipt by the City of the grant funds.**

9. **AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to implement the activities identified in the additional Attachment G appended to this report through the negotiation and execution of amendments to existing contracts and agreements for services as approved and as identified in Attachment A of the CLA/CAO Report; and in substantial conformance with the pro forma agreements for activities as provided in Council file No. 10-2440, and subject to the following: 1) review and approval of the City Attorneys to form and legality; 2) review and approval by BCA as to compliance with City and federal contract requirements; 3) review and approval by Risk Management as to compliance with insurance requirements, if applicable; and 4) receipt by the City of the grant funds.**

10. **AUTHORIZE the General Manager, Department on Disability (Disability), or designee, to implement the activities identified in the additional Attachment H appended to this report through the negotiation and execution of amendments to existing contracts and agreements for services as approved and as identified in Attachment A of the CLA/CAO Report; and, in substantial conformance with the pro forma agreements for activities as provided in Council file No. 10-2440, and subject to the following: 1) review and approval of the City Attorney as to form and legality; 2) review and approval by BCA as to compliance with City and federal contract requirements; 3) review and approval by Risk Management as to compliance with insurance requirements, if applicable; and 4) receipt by the City of the grant funds.**

11. **AUTHORIZE the General Managers, of CDD, LAHD and Disability, or their designees, to prepare Controller Instructions and/or make any technical adjustments that may be required and are consistent with this action subject to the approval of the CAO, and AUTHORIZE the Controller to implement these instructions.**

**Roll Call #2 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)
(Item Nos. 7-11)**

ITEM NO. (7) - ADOPTED

[10-0862](#)
CD 15

JOBS AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to the Historic Waterfront (Property-Based) Business Improvement District's 2011 Fiscal Year Annual Planning Report and Budget Category Increases.

Recommendations for Council action:

1. **FIND** that the attached Annual Planning Report for the Historic Waterfront District (San Pedro) Property Business Improvement District's 2011 fiscal year complies with the requirements of the State Law.

2. **FIND** that the changes in 2011 budget category amounts concur with the intentions of the Historic Waterfront District (San Pedro) Property Business Improvement District's Management District Plan and do not adversely impact the benefits received by assessed property owners.

3. ADOPT the attached Annual Planning Report for the Historic Waterfront District (San Pedro) Property Business Improvement District's 2011 fiscal year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

ITEM NO. (8) - ADOPTED

[11-0785](#)

CDs 6 & 7

JOB AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to the Panorama City Property-Based Business Improvement District's (PBID) 2011 Fiscal Year Annual Planning Report.

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Panorama City Business Improvement District's (BID) 2011 fiscal year complies with the requirements of the State Law.
2. FIND that the adjustments in the 2011 budget concurs with the intentions of the Panorama City BID's Management District Plan and does not adversely impact the benefits received by assessed property owners.
3. ADOPT the attached Annual Planning Report for the Panorama City BID's 2011 fiscal year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED

[11-0786](#)

CD 11

JOB AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to the Westchester Town Center Property-Based Business Improvement District's (PBID) 2011 Fiscal Year Annual Planning Report.

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Westchester Town Center Business Improvement District's (BID) 2011 fiscal year complies with the requirements of the State Law.
2. FIND that the adjustments in the 2011 budget concurs with the intentions of the Westchester Town Center BID's Management District Plan and does not adversely impact the benefits received by assessed property owners.

- ADOPT the attached Annual Planning Report for the Westchester Town Center BID's 2011 fiscal year, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

ITEM NO. (10) - ADOPTED

[11-0270](#)

CD 14

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an adult residential facility of Percy Village located at 3455 Percy Street.

Recommendation for Council action, as initiated by Motion (Huizar - Koretz):

INSTRUCT the Planning Department to prepare a report within 30 days regarding the City's options in addressing the community's concerns over the approval of the conversion from a senior retirement home to an adult residential facility of Percy Village located at 3455 Percy Street in the community of Boyle Heights.

Fiscal Impact Statement: None submitted. 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. (11) - ADOPTED

[11-0565](#)

CD 5

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the inclusion of the Hannah Schwartz Apartments located at 330 South Almont Drive in the list of Historic-Cultural Monuments.

Recommendations for Council action:

- ADOPT the FINDINGS of the Cultural Heritage Commission (CHC) as the Findings of the Council.
- APPROVE the recommendation of the CHC relative to the inclusion of the Hannah Schwartz Apartments located at 330 South Almont Drive in the list of Historic-Cultural Monuments.
- CHANGE the name of the monument from the Hannah Schwartz Apartments to "The Gertrude and Harry Kay Building."

4. SPECIFY that the historic monument protections apply only to the intact original features of the building exterior and do not apply to the building interior or to already altered portions of the exterior.

Owner: Rhea Dersh and Gertrude Kay

Applicant: Burton Way Foundation/Beverly West Residents Association

Representative: Portia Lee, ICF International

CHC 2011-68-HCM

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - JUNE 15, 2011

(LAST DAY FOR COUNCIL ACTION - JUNE 15, 2011)

Items for Which Public Hearings Have Not Been Held - Items 12-20

(10 Votes Required for Consideration)

ITEM NO. (12) - CONTINUED TO JUNE 29, 2011

Roll Call #3 - Adopted to Continue, Unanimous Vote (13); Absent: Rosendahl and President Garcetti (2)

[11-0002-S14](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST and RESOLUTION relative to the City's position on legislation which would establish concussion management guidelines and the Protecting Student Athletes from Concussions Act of 2011.

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

ADOPT the accompanying RESOLUTION to include in the City's 2011-12 Federal and State Legislative Programs SPONSORSHIP and/or SUPPORT for legislation which would establish concussion management guidelines for prevention, identification, treatment, and management of concussions in school-aged children, including standards for returning student athletes to play after a concussion, and further SUPPORT HR 469, the Protecting Student Athletes from Concussions Act of 2011.

Community Impact Statement: None submitted.

(Information Technology and Government Affairs Committee waived consideration of the above matter)

(Continued from Council meeting of May 25, 2011)

ITEM NO. (13) - CONTINUED TO JUNE 15, 2011

Roll Call #4 - Adopted to Continue, Unanimous Vote (13); Absent: Rosendahl and President Garcetti (2)

[11-0002-S71](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST and RESOLUTION relative to the City's position on legislation that would allow public ownership of the Los Angeles Dodgers under Major League Baseball (MLB) rules.

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

ADOPT the accompanying RESOLUTION to include in the City's 2011-12 Legislative Program SUPPORT for legislation that would allow public ownership of the Los Angeles Dodgers under MLB rules.

Community Impact Statement: None submitted.

(Information Technology and Government Affairs Committee waived consideration of the above matter)

(Continued from Council meeting of May 25, 2011)

ITEM NO. (14) - ADOPTED

Roll Call #5 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)

[10-1934](#)

CD 15

COMMUNICATION FROM THE BOARD OF PUBLIC WORKS relative to authorizing the Los Angeles County Department of Public Works, Flood Control District (COUNTY) to operate and maintain within the City's right-of-way the Anaheim Street Storm Drain System, constructed for the County, by the Alameda Corridor Transportation Authority (ACTA).

Recommendations for Council action:

1. AUTHORIZE the COUNTY to occupy and use the City streets, with the approval from the Bureau of Engineering, to operate, maintain, and repair the storm drain system according to the record drawings prepared by ACTA and approved by the COUNTY with the City Engineer's Index Numbers P-36808, 0-33468, 0-33494, and 0-33497.
2. GRANT, TRANSFER, and ASSIGN to COUNTY all prior or senior rights held or which might be asserted by the City of Los Angeles Department of Public Works (CITY and/or CITY's Prior Rights) over rights of utility companies or owners of substructure or overhead facilities or improvements, including those within City's right-of-way and including the rights to assist COUNTY in the operation, maintenance, improvement or repair of the above-mentioned storm drain system, and take any and all additional steps necessary to complete or perfect the foregoing transfer of City's Prior Rights to COUNTY, at no cost to COUNTY.

3. APPROVE inclusion of the following statement in the Council's action on these projects: "The COUNTY shall not be held accountable for the expense of relocation, alteration, nor modification of the Anaheim Street Storm Drain system necessitated by future street improvements, realignments, alterations, or reconstruction."
4. REQUEST the City Engineer to forward a certified copy of the City Council's action to Ms. Gail Farber, Chief Engineer of Los Angeles County Flood Control District, and Mr. John Doherty, Chief Executive Officer of ACTA.

Fiscal Impact Statement: The Board of Public Works reports that there is no impact to the General Fund. The project was paid for by the COUNTY and ACTA and the construction was completed by ACTA.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (15) - ADOPTED

Roll Call #9 - Adopted, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[09-1295-S2](#)
[10-0600-S49](#)

COMMUNICATION FROM THE INTERIM GENERAL MANAGER, LOS ANGELES DEPARTMENT OF TRANSPORTATION (LADOT) relative to an Exposition Light Rail Transit Funding Agreement.

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

1. AUTHORIZE the LADOT to negotiate and execute the attached cooperative agreement with the Exposition Light Rail Authority, subject to the approval of the City Attorney as to form and legality, for several improvements to the Exposition Light Rail project.
2. AUTHORIZE the Controller to process payments to the Exposition Authority for the following project elements:
 - a. An amount not to exceed \$400,000 from the Measure R Local Return Fund No. 51Q, Account No. G351- Expo Light Rail Station, for the development of an additional entrance and related improvements at the Flower Street 23rd Street Station.
 - b. An amount not to exceed \$250,000 from the Measure R Local Return Fund No. 51Q, Account No. G352- Expo Light Rail Station (Pico), for the development of an additional entrance and related improvements at the Flower /Pico Station.
 - c. An amount not to exceed \$700,000 from the Measure R Local Return Fund No. 51Q, Account No. G216 - Western Property Purchase, for the City's share of the purchase of property and improvements at Western Avenue Station.

- d. An amount not to exceed \$5.3 million from the West Los Angeles Transportation Improvement and Mitigation Program (TIMP), Fund No.681, Account No. G205 - Exposition Light Rail Line at Sepulveda, for the differential cost between the at-grade crossing and station and the aerial crossing and aerial station at Sepulveda (Sepulveda Grade Separation Design Option) for the Phase 2 project.
3. AUTHORIZE the City Administrative Officer to make any technical adjustments as necessary to implement the above recommendations; and, AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The LADOT reports that this action will not impact the General Fund. A total amount of \$1.35 million will be taken from the Measure R Local Return Fund, and \$5.3 million will be taken from the West Los Angeles TIMP fund as a result of the proposed cooperative agreement.

Community Impact Statement: None submitted.

(Transportation Committee waived consideration of the above matter)

ITEM NO. (16) - ADOPTED

Roll Call #10 - Adopted, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[11-0567](#)

CD 12

CONSIDERATION OF MOTION (SMITH - ZINE) AND COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST relative to a donation of surplus City equipment to the Woodland Hills Neighborhood Watch.

Recommendations for Council action:

1. FIND that the Woodland Hills Neighborhood Watch (WHNW) is eligible to purchase 50 handheld Motorola Astro Saber radios at below market value (\$1.00, each) in accordance with LAAC Sec. 22.547 (Donation of Surplus City Equipment), as amended by the Council on November 28, 2006 (C.F. 04-1822), inasmuch as WHNW is a non-profit organization located in the City of Los Angeles which has been established to support services provided by the City and its departments.
2. REQUEST the City Attorney to expedite preparation of the appropriate documents to effectuate the sale and transfer of the above identified surplus equipment at below market price to WHNW.
3. INSTRUCT the City Clerk to inform WHNW [Steve Santen, 21501 Schoenborn Street, Canoga Park, CA 91304, (818) 347-4081] that the surplus equipment must be claimed within 60 days from the date of Council approval of the request, at which time it will revert to the City's surplus equipment pool for disposal by the Department of General Services.

Fiscal Impact Statement: The Chief Legislative Analyst reports that the sale of the abovementioned surplus equipment at below market value is consistent with the City's Financial Policies as WHNW is a non-profit created specifically to further the work of a City department (LAPD) and is headquartered in the City of Los Angeles. This below market sale will increase the General Fund by \$50.00.

Community Impact Statement: None submitted.

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

ITEM NO. (17) - ADOPTED

Roll Call #5 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)

[11-0446](#)

CONSIDERATION OF MOTION (ROSENDAHL - KORETZ) relative to waiving the street improvement requirements required for subdivision case number VTTM-64093.

Recommendation for Council action:

REMOVE the street improvement requirement [Bureau of Lighting Condition No. 7 and Bureau of Engineering Condition No. S-3(i)a] as set forth in Subdivision Case Number VTTM-64093, for the reasons indicated in the Motion.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (18) - ADOPTED

Roll Call #11 - Adopted, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[11-0925](#)

MOTION (PERRY - REYES) relative to funding for services in connection with the June 4, 2011 Special Meeting of the Energy and Environment Committee in the City Hall John Ferraro Council Chamber.

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

APPROPRIATE \$1,108 from the Unappropriated Balance Fund No. 100/58, as follows: \$580 to the General Services Fund No. 100/40 of which \$290 to Account No. 1090 (Salaries - Overtime) and \$290 to Account No. 1070 (Salaries - As Needed); \$244 to the Information Technology Fund No. 100/32, Account No. 1090 (Salaries - Overtime); and \$284 to the City Clerk Fund No. 100/14, Account No. 1090 (Salaries - Overtime) for services in connection with the June 4, 2011 Special Meeting of the Energy and Environment Committee in the City Hall John Ferraro Council Chamber - said funds to be reimbursed to the General Fund by the Los Angeles Department of Water and Power.

ITEM NO. (19) - RECEIVED AND FILED

Roll Call #12 - Adopted to Receive and File, Ayes (13); Absent: Rosendahl and President Garcetti (2)

[10-2440](#)

MOTION (WESSON - REYES) relative to amending prior Council action of May 27, 2011, regarding programs approved in the 37th Program Year Consolidated Plan on March 18, 2011.

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

1. AMEND prior Council action of May 27, 2011, Motion (Wesson - Garcetti), Council file No. 10-2440, relative to funding for programs in the 37th Program Year Consolidated Plan on March 18, 2011, which included Community Development Block Grant funding from the Department of Housing and Urban Development, Attachment 1 of this file did not include Community Services Block Grant funding provided to the City's Family Source System to reflect the total contract amount to be provided to agencies.
2. ADOPT Attachment 1-A, attached to the Council file, in lieu of Attachment 1, attached to the Council file.

ITEM NO. (20) - ADOPTED

Roll Call #5 - Adopted, Ayes (11); Absent: Huizar, Parks, Rosendahl and President Garcetti (4)

[11-0936](#)

CD 13

MOTION (GARCETTI - REYES) relative to funding for the Clean and Connected Communities in Council District 13.

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

AUTHORIZE the Department of Neighborhood Empowerment to TRANSFER \$4,500 from the Neighborhood Empowerment Fund 44B/47, Account 1039 (Greater Echo Park Elysian Neighborhood Council) to a new account in CD 13's Public Benefit Trust Fund 904/14 entitled "CleanUp/FrmsMrkt/Lotus Account" in keeping with CD 13's Clean and Connected Communities Grants awarded to various Neighborhood Councils, subject to the submission of appropriate documentation to the DONE by the Greater Echo Park Elysian Neighborhood Council.

Closed Session - Items 21-22

ITEM NO. (21) - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #18 - Adopted in Open Session, Ayes (13); Absent: Wesson and President Garcetti (2)

[11-0684](#)

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 Shane Fisher v. City of Los Angeles, Los Angeles Superior Court Case No.: BC435050. (This matter involves an accident which occurred on December 9, 2009 involving members of the Los Angeles Police Department.)

(Budget and Finance Committee to consider the above matter in Closed Session on June 6, 2011)

ADOPTED

MOTION (PARKS - SMITH)

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

1. AUTHORIZE the City Attorney to expend a total of \$330,000 in settlement of the above entitled case from City Attorney 100/59 Account No. 9770
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Cochran Firm Los Angeles, Shane Fisher and Department of Health Care Services.
3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

ITEM NO. (22) - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #19 - Adopted in Open Session, Ayes (13); Absent: Wesson and President Garcetti (2)

[11-0839](#)

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 Elvin Gilbert v. Daniel Pearce, et al., United States District Court Case No.: CV06-4770 GW (AJWx). (This matter involves an incident that occurred on November 30, 2005, involving members of the Los Angeles Police Department.)

(Budget and Finance Committee to consider the above matter in Closed Session on June 6, 2011)

ADOPTED

MOTION (PARKS - SMITH)

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

1. **AUTHORIZE the City Attorney to expend a total of \$1,425,537, plus accrued interest up to date of payment, for payment of judgment in the above entitled case from City Attorney Fund 100/59, Account No. 9770.**
2. **AUTHORIZE the City Attorney to draw three demands totaling the amount of \$1,425,537 and made payable as follows:**
 - a. **In the amount of \$500,000 plus interest to Law Offices of Dale K. Galilpo and Elvin Andre Gilbert, payable by June 27, 2011.**
 - b. **In the amount of \$665,312 plus interest to Law Offices of Dale K. Galilpo and Elvin Andre Gilbert, payable by July 27, 2011.**
 - c. **In the amount of \$260,225 to Law Offices of Dale K. Galilpo Payable by July 27, 2011.**
3. **AUTHORIZE the City Attorney, or designee, to prepare Controller Instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.**

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

[11-0963](#)

MOTION (HAHN - LABONGE) relative to funding for supplemental Chart Bus services in Council District 15.

[11-0011-S14](#)

MOTION (LABONGE - HAHN) relative to rescinding prior Council action of May 27, 2011, regarding the allocation of Street Furniture Revenue Funds for the Larchmont Business Improvement District in Council District Four.

[11-0010-S31](#)

MOTION (HAHN - CARDENAS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of Jewell King on February 19, 2011.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Cárdenas was excused from Council session of Friday, July 22, 2011 due to City business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[11-0004](#) -S1 - Korean Friendship Bell Preservation Day

(Hahn - LaBonge)

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

[11-0003-S1](#) - Andrew Gold

(Koretz - Krekorian)

Captain Joseph W. Schultz

(Rosendahl)

Fay Dorris Lord

(Wesson)

Alarcón, Cárdenas, Hahn, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Smith and Zine (13); Absent: Wesson and President Garcetti (2)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk
COUNCIL

PRESIDENT PRO TEMPORE OF THE CITY

Regular Meeting Recessed at 10:47 a.m.

Special Meeting Convened at 10:47 a.m.

Special Meeting Adjourned at 11:01 a.m.

Regular Meeting Reconvened at 11:01 a.m.