

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **September 7, 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: Englander, Huizar, Koretz, LaBonge, Parks, Perry, Reyes, Wesson, Zine and President Garcetti (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
AUGUST 19, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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

Items Noticed for Public Hearing - Items 1-14

Adopted, Ayes (13); Absent: Cárdenas (1)
(Item Nos. 1-4)

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

[11-0831](#)
CD 13

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Juanita and Oakwood Avenues Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 3, 2011)

ITEM NO. (2) - PUBLIC HEARING CLOSED - ORDINANCE ADOPTED

[11-0832](#)

CD 12

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the White Oak Avenue and Lassen Street Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 3, 2011)

ITEM NO. (3) - PUBLIC HEARING CLOSED - ORDINANCE ADOPTED

[11-0833](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Missouri and Corinth Avenues Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 3, 2011)

ITEM NO. (4) - PUBLIC HEARING CLOSED - ORDINANCE ADOPTED

[11-0834](#)

CD 7

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Willis Avenue and Rayen Street Lighting District.

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

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held August 3, 2011)

**Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 5-9)**

ITEM NO. (5) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

[11-0751](#)

CD 9

HEARING PROTESTS relative to the vacation of 21st and 22nd Street between Grand Avenue and Olive Street in connection with the construction of facilities at Los Angeles Trade-Technical College (VAC E1401166).

(Public Works Committee Report and Findings adopted on July 22, 2011)

**ITEM NO. (6) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED
ON SEPTEMBER 28, 2011**

[11-1009](#)

CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Ventura Boulevard and Vineland Avenue No. 1 Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Ventura Boulevard and Vineland Avenue No. 1 Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 29, 2011 - Continue hearing and present Ordinance on September 28, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (7) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED
ON SEPTEMBER 28, 2011**

[11-1044](#)

CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Wellesley and Texas Avenues Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Wellesley and Texas Avenues Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 29, 2011 - Continue hearing and present Ordinance on September 28, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (8) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED
ON SEPTEMBER 28, 2011**

[11-1045](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Riverside Drive and La Maida Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Riverside Drive and La Maida Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 29, 2011 - Continue hearing and present Ordinance on September 28, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (9) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED
ON SEPTEMBER 28, 2011**

[11-1046](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the I-405 Sepulveda Pass Widening Project - Segment 1- Area 2 Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the I-405 Sepulveda Pass Widening Project - Segment 1- Area 2 Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on June 29, 2011 - Continue hearing and present Ordinance on September 28, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (10) - ADOPTED - SEE FOLLOWING

Adopted, Ayes (13); Absent: Cárdenas (1)

[11-1304](#)

CD 14

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for alcohol sales for off-site consumption at Walgreens neighborhood pharmacy located at 2222 Colorado Boulevard, Los Angeles, 90041.

Application filed by: Walgreen Co., attn: Robert Silverman (Armbruster Goldsmith & Delvac, Matt Dzurec, representative)

TIME LIMIT FILE - OCTOBER 24, 2011

(LAST DAY FOR COUNCIL ACTION - OCTOBER 21, 2011)

(Findings and Council recommendations relative to the above application required)

ADOPTED

MOTION (HUIZAR - ENGLANDER)

Recommendations for Council action:

1. **DETERMINE** that the issuance of a liquor license at Walgreens neighborhood pharmacy located at 2222 Colorado Boulevard, Los Angeles, CA 90041, 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 2222 Colorado Boulevard, Los Angeles, Ca 90041.
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.

Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 11-14)

ITEM NO. (11) - PUBLIC HEARING CLOSED - ASSESSMENTS CONFIRMED

[10-1192](#)

CD 5

HEARING APPEALS against the annual confirmation of assessments for the maintenance of the sidewalks for Westwood Village Sidewalk Maintenance District - W.O. EXX71375.

ITEM NO. (12) - PUBLIC HEARING CLOSED - ASSESSMENTS CONFIRMED

[10-1193](#)

CD 6

HEARING APPEALS against the annual confirmation of assessments for the maintenance of the sidewalks for Van Nuys and Victory Boulevards (and other streets) Sidewalk Maintenance District - W.O. EXX71822.

ITEM NO. (13) - PUBLIC HEARING CLOSED - ASSESSMENTS CONFIRMED

[11-1076](#)

CD 5

HEARING APPEALS against the annual confirmation of assessments for the maintenance of the sidewalks for Ventura Boulevard (Kester Avenue to Beverly Glen Boulevard) Sidewalk Maintenance District - W.O. E6000067.

ITEM NO. (14) - PUBLIC HEARING CLOSED - ASSESSMENTS CONFIRMED

[11-1077](#)

CD 4

HEARING APPEALS against the annual confirmation of assessments for the maintenance of the sidewalks for Wilshire Miracle Mile Sidewalk Maintenance District - W.O. E6000022.

Items for Which Public Hearings Have Been Held - Items 15-19

**Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 15-19)**

ITEM NO. (15) - ADOPTED

[11-1342](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Walter Jay MD Institute For Paramedical Studies Inc.

Recommendations for Council action:

1. APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$11,092.82 against property owned by Walter Jay MD Institute For Paramedical Studies Inc., pursuant to Los Angeles Municipal Code Section 21.15(o).
2. INSTRUCT Finance to provide additional information in future tax lien reports including the specific property address if legally allowable.

Fiscal Impact Statement: None submitted by Finance. 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 into Closed Session pursuant to Government Code Section 54956.9(c) to confer with its legal counsel relative to the above matter]

ITEM NO. (16) - ADOPTED

[09-0927](#)

PERSONNEL COMMITTEE REPORT relative to the third-year extension of an exemption for two grant-funded positions in the class of Social Worker from Civil Service provisions of the City Charter.

Recommendation for Council action:

RESOLVE that two positions in the class of Social Worker, Class Code 2385, in the Department of Aging, BE RE-EXEMPTED from the Civil Service provisions of the City Charter, in accordance with Section 1001(d)(4). These positions are grant-funded, and the Board of Civil Service Commissioners approved the third-year extension of the exemption request on April 28, 2011.

Fiscal Impact Statement: None submitted by the Department of Aging. 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. (17) - ADOPTED

[11-1346](#)

PERSONNEL COMMITTEE REPORT relative to the exemption of one Senior Project Coordinator and one Assistant Chief Grants Administrator in the Community Development Department (CDD) from Civil Service provisions of the City Charter.

Recommendation for Council action:

RESOLVE that one position of Senior Project Coordinator and one position of Assistant Chief Grants Administrator in the CDD BE EXEMPTED from the Civil Service provisions of the City Charter for a term not to exceed two years, based on the positions being grant-funded, in accordance with Section 1001(d)(4). The Board of Civil Service Commissioners approved the exemption request from the CDD on June 9, 2011.

Fiscal Impact Statement: None submitted by the CDD. 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. (18) - ADOPTED

[11-0600-S60](#)

PERSONNEL COMMITTEE REPORT relative to the impact of National Healthcare Reform on future health benefits and costs.

Recommendation for Council action:

NOTE and FILE the July 15, 2011 Personnel Department report, inasmuch as the information provided in the report was incorporated into City Administrative Officer Budget Memo No. 121 and considered during the Fiscal Year 2011-12 Budget process.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (19) - ADOPTED

[11-1105](#)

PERSONNEL COMMITTEE REPORT relative to possible policy changes needed to suspend someone's pension as a result of a conviction of a felony in conjunction to an individual's job-related duties while employed by the City of Los Angeles.

Recommendation for Council action, as initiated by Motion (Zine - Krekorian - Koretz - Garcetti):

INSTRUCT the Chief Legislative Analyst (CLA), the City Administrative Officer (CAO), and the Personnel Department to work with the City Attorney on the legal ramifications of the recommended policy changes and to report back on the following questions:

- a. Would suspension of pension benefits be the same as confiscating a person's vested property right?
- b. Do retirement, death and disability benefits extend to a public employee's dependents?
- c. Can suspension or forfeiture of pension benefits be construed to abrogate the rights of an innocent spouse or dependent who was not involved in any criminal activity by the public employee?
- d. Would the felony the employee is convicted of committing need to be limited to specific types of crimes (i.e., fraud, bribery, theft) or would crimes of moral turpitude also be included?
- e. How would it be determined when a felony conviction relates to, arises out of, or is in connection with a person's public employment?
- f. Does there need to be a nexus between the felony committed and public employment for pension benefits to be suspended or terminated?
- g. Would the employee's contributions to the pension system need to be returned to the employee?
- h. How about interest on the contributions?

- i. Has the Personnel Department completed the review requested by the City Controller relative to allowing the City to seek restitution for job-related crimes, and will a report be submitted to the City Council?

Fiscal Impact Statement: 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 20-35

(10 Votes Required for Consideration)

Adopted, Ayes (13); Absent: Cárdenas (1)
(Item Nos. 20-25)

ITEM NO. (20) - ADOPTED

[09-0502](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Mr. Thomas M. Donovan to the West Los Angeles Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Mr. Thomas M. Donovan to the West Los Angeles Area Planning Commission for the new term ending June 30, 2016 is APPROVED and CONFIRMED. Mr. Donovan is a resident of Council District 11. (Current gender composition: M=2; F=3)

Ethics Commission Review: Pending.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - SEPTEMBER 18, 2011

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 16, 2011)

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

ITEM NO. (21) - ADOPTED

[09-1196](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Ms. Barbara Romero to the Board of Planning Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Barbara Romero to the Board of Planning Commissioners for the new term ending June 30, 2016 is APPROVED and CONFIRMED. Ms. Romero is a resident of Council District Two. (Current gender composition: M=7; F=2)

Ethics Commission Review: Pending.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - SEPTEMBER 25, 2011

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 16, 2011)

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

ITEM NO. (22) - ADOPTED

[11-1361](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Mr. Javier C. Angulo to the East Los Angeles Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Mr. Javier C. Angulo to the East Los Angeles Area Planning Commission for the new term ending June 30, 2016 is APPROVED and CONFIRMED. Mr. Angulo is a resident of Council District One. (Current gender composition: M=3; F=2)

Ethics Commission Review: Pending.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - SEPTEMBER 18, 2011

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 16, 2011)

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

ITEM NO. (23) - ADOPTED

[11-1406](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Ms. Regina Freer to the Board of Planning Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Regina Freer to the Board of Planning Commissioners for the new term ending June 30, 2016 is APPROVED and CONFIRMED. Ms. Freer is a resident of Council District 10. (Current gender composition: M=7; F=2)

Ethics Commission Review: Pending.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - SEPTEMBER 25, 2011

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 16, 2011)

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

ITEM NO. (24) - ADOPTED

[11-1399](#)

CD 3

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Sherman Way and Wilbur Avenue Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 9, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **NOVEMBER 16, 2011** as the hearing date for the maintenance of the Sherman Way and Wilbur Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,474.85 will be collected annually starting with tax year 2012-13 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 9, 2011)

ITEM NO. (25) - ADOPTED

[11-1400](#)

CD 6

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Wyandotte Street and Haskell Avenue Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated August 9, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **NOVEMBER 16, 2011** as the hearing date for the maintenance of the Wyandotte Street and Haskell Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$567.32 will be collected annually starting with tax year 2012-13 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: November 9, 2011)

ITEM NO. (26) - ADOPTED

Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 26a-26j)

[11-0005-S512](#)

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 August 31, 2011:

[11-0005-S512](#)

CD 1

- a. Property at 3866 North Broadway (Case No. 257864).
Assessor I.D. No. 5211-018-013

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 4, 2010)

[11-0005-S513](#)

CD 1

- b. Property at 4314 North Figueroa Street (Case No. 34470).
Assessor I.D. No. 5467-004-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 10, 2006)

[11-0005-S514](#)

CD 2

- c. Property at 11615 West Kittridge Street (Case No. 300410).
Assessor I.D. No. 2320-025-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 30, 2010)

[11-0005-S515](#)

CD 8

- d. Property at 1149 West 37th Place (Case No. 38498).
Assessor I.D. No. 5040-031-029

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 7, 2006)

[11-0005-S516](#)

CD 13

- e. Property at 1636 North Mohawk Street (Case No. 252895).
Assessor I.D. No. 5423-010-020

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

[11-0005-S517](#)

CD 13

- f. Property at 213 North Park View Street (Case No. 331577).
Assessor I.D. No. 5157-007-004

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 2, 2011)

[11-0005-S518](#)

CD 13

- g. Property at 3170 West Larga Avenue (Case No. 255930).
Assessor I.D. No. 5436-029-013

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 22, 2009)

[11-0005-S519](#)

CD 13

- h. Property at 537 North Hoover Street (Case No. 355063).
Assessor I.D. No. 5539-028-009

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 23, 2011)

[11-0005-S520](#)

CD 13

- i. Property at 955 North Maltman Avenue (Case No. 304046).
Assessor I.D. No. 5427-017-029

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

[11-0005-S521](#)

CD 14

- j. Property at 168 South Clarence Street (Case No. 7024).
Assessor I.D. No. 5172-006-027

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 9, 2003)

ITEM NO. (27) - CONTINUED SEPTEMBER 27, 2011

Adopted to Continue, Unanimous Vote (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)

[11-0763](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) relative to temporary authority to approve administrative and operating service payments not to exceed \$70,000 per vendor.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, or designee, to approve direct payments for CRA administrative and operating services with vendors for amounts not to exceed \$70,000 per vendor during the 90-day period in accordance with and subject to the CRA's continuing resolution budget authority approved by the City Council on July 1, 2011.

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

Community Impact Statement: None submitted.

The recommended action is not subject to California Environmental Quality Act (CEQA) under California Code of Regulations 15061 as it can be seen with certainty that there is no possibility that the proposed action herein will have a significant effect on the environment therefore it does not constitute a "project" as defined by the CEQA.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

(Continued from Council meeting of August 17, 2011)

ITEM NO. (28) - CONTINUED TO SEPTEMBER 9, 2011

Adopted to Continue, Unanimous Vote (13); Absent: Cárdenas (1)

[11-1474](#)

CD 10

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) and RESOLUTION relative to findings and authorization to expend up to \$540,000 for improvements to the Nate Holden Performing Arts Center (NHPAC).

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

1. FIND that the recommended action is categorically exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (a) and (e) of the CRA and State CEQA guidelines.
2. HOLD a public hearing pursuant to Section 33679 of the California Health and Safety Code.

3. ADOPT the accompanying JOINT RESOLUTION making findings in accordance with Health and Safety Code Sections 33445 and 33679 to fund NHPAC site improvements to the raw auxiliary performance space located on the ground floor and that the provision of \$490,000 of Mid-City Tax Increment, General Revenue, and Cultural Trust Funds, is of benefit to the Mid-City Recovery Redevelopment Project Area.
4. RECOGNIZE and AUTHORIZE a budget transfer and expenditures of \$490,000 of Fiscal Year 2012 Mid-City fund as follows: \$300,000 of CRA General Revenue from budget line item Housing, \$79,600 of Mid-City Tax Increment, and \$110,400 of Mid-City Cultural/Art Trust from budget line item Economic Development, all into budget line item Public Facilities and Improvements.
5. AUTHORIZE a transfer to the Department of General Services for the purchase, installation and construction of the public improvements in an amount not to exceed \$490,000.
6. ACKNOWLEDGE and APPROVE CRA's implementation of the NHPAC site improvements under the Cooperation Agreement for Payment of Costs Associated with certain CRA funded Capital Improvements, Public Improvements and Housing projects, dated as of March 10, 2011 between the CRA and the City of Los Angeles.
7. ACKNOWLEDGE and UNDERSTAND that the Supreme Court in the case entitled California Redevelopment Association v. Matosantos stayed certain portions of Assembly Bill x1-26 and all of Assembly Bill x1-27. Given the Court's stay and the uncertain status of such legislation, although the CRA is, and the City Council may be, approving certain actions as described herein, to the extent that such actions are stayed then the CRA shall not execute agreements or take such actions, notwithstanding their approval hereof, until the Supreme Court has decided the case on the merits or the action is no longer stayed.

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

Community Impact Statement: None submitted.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

**Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 29-30)**

ITEM NO. (29) - ADOPTED

[11-0002-S110](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) and RESOLUTIONS relative to the City's position on Assembly Bill (AB) 375, AB 947, and Senate Bill (SB) 407, workers' compensation bills.

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

ADOPT the accompanying RESOLUTIONS to include in the City's 2011-12 State Legislative Program positions to:

1. OPPOSE AB 375 (Skinner) which would expand the presumption of work-related injuries for hospital employees.
2. OPPOSE AB 947 (Solorio) which would unreasonably and unnecessarily expand temporary disability benefits for work-related injuries.
3. OPPOSE SB 407 (Cannella) which would extend workers' compensation benefits to inmates who are injured in City jails while performing a work assignment for the City.

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

Community Impact Statement: None submitted.

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

(Continued from Council meeting of August 19, 2011)

ITEM NO. (30) - ADOPTED

11-1348

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles Department of Transportation (LADOT) for the period of June 28, 1988 through June 1, 2005.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LADOT, Bureau of Parking Operations Support and Adjudication, (LADOT/62 - 2,921 boxes) for the period of June 28, 1988 through June 1, 2005.

Fiscal Impact Statement: The City Clerk reports that the retention of 2,921 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$455.68 per month, or \$5,468.11 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via e-mail at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

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

ITEM NO. (31) - ADOPTED

Adopted, Ayes (13); Absent: Cárdenas (1)

[11-1349](#)

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles Department of Transportation (LADOT) for the period of January 1, 1999 through January 1, 2006.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LADOT, Bureau of Parking Operations Support and Adjudication, (LADOT/70 - 190 boxes) for the period of January 1, 1999 through January 1, 2006.

Fiscal Impact Statement: The City Clerk reports that the retention of 190 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$29.64 per month, or \$355.68 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via e-mail at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

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

**Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)
(Item Nos. 32-33)**

ITEM NO. (32) - ADOPTED

[11-1350](#)

COMMUNICATION FROM THE CITY ATTORNEY and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles Police Commission for the Los Angeles Police Department (LAPD) for the period of January 1, 1986 through December 31, 2006.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAPD (PDX/11 - 165 boxes) for the period of January 1, 1986 through December 31, 2006.

Fiscal Impact Statement: The City Clerk reports that the retention of 165 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of \$25.74 per month, or \$308.88 per year.

[These records will be retained for a period of 60 days after the City Council's action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via e-mail at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

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

ITEM NO. (33) - ADOPTED

[11-1466](#)

RESOLUTION (LABONGE - ALARCON) relative to declaring September 7, 2011 as Buddy Holly Day in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE September 7, 2011 as Buddy Holly Day in the City of Los Angeles.

ITEM NO. (34) - NOTED AND FILED

Adopted to Note and File, Ayes (13); Absent: Cárdenas (1)

[11-1467](#)

RESOLUTION (ZINE - PARKS - LABONGE - ROSENDAHL) relative to encouraging and requesting the Aaron Brothers art store chain to refrain from the glorification of graffiti by discontinuing the advertisement and free distribution of a "Graffiti Starter Kit."

Recommendation for Council action:

RESOLVE to strongly ENCOURAGE and REQUEST the Aaron Brothers art store chain, promoters of "Artrageous," an event which glorifies graffiti and distributes free "Graffiti Starter Kits," to refrain from the glorification of graffiti by discontinuing the advertisement and free distribution of a "Graffiti Starter Kit" and to provide a prominent message about the ramifications and penalties of graffiti vandalism and the detrimental impact it has on our community.

ITEM NO. (35) - MAP AND BOND APPROVED - CITY ENGINEER REPORT ADOPTED

Adopted, Ayes (10); Absent: Alarcón, Cárdenas, Krekorian and Rosendahl (4)

[11-1520](#)

CD 11

PARCEL MAP L.A. NO. 2007-5678 for property located at 1915-17 Corinth Avenue lying northwesterly of La Grange Avenue.

(Approve Subdivision Improvement Agreement and Contract with attached security documents)

(ADOPT City Engineer Report)

(ADOPT Bond No. C-119042)

(Quimby Fee: \$8,032)

Applicants: 1915 Corinth Property, LLC
Taik Yul Kim

Closed Session - Item 36

ITEM NO. (36) - NO ACTION TAKEN

[10-0830](#)

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 discussions in the case entitled The Latino Museum of History, Art and Culture v. The Latino Theater Company, et al., Declaratory Relief and Damages from Lease Dispute Los Angeles Theater Center, Los Angeles Superior Court Case No. BC 415241. (This case involves a dispute between the tenants at the Los Angeles Theatre Center.)

(Information Technology and Government Affairs and Budget and Finance Committees considered the above matter in Closed Session on August 19, 2011)

Item Noticed for Public Hearing - Item 37

ITEM NO. (37) - CONTINUED TO DECEMBER 6, 2011

Adopted to Continue, Unanimous Vote (13); Absent: Cárdenas (1)

[11-0419](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS and AMENDING MOTION (ROSENDAHL - PARKS) relative to Department of Building and Safety report and confirmation of lien against property located at 1056 East Palms Boulevard, APN 4242-011-038. (Lien: \$2,789.53)

A. HEARING PROTESTS

Recommendations for Council action:

1. HEAR PROTESTS relative to non-compliance of code violation and proposed lien to recover the costs of inspection invoices, recorded against property located at 1056 East Palms Boulevard, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Sections 91.103, 98.0411(a) and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to, Fund 48R/08, Balance Sheet Account 2200, any payment received against this lien in the amount of \$2,789.53 on the above referenced property.

B. AMENDING MOTION (ROSENDAHL - PARKS)

Recommendations for Council action:

1. AMEND to waive the remaining interest charges of \$461.53.
2. REDUCE the amount of the lien to \$2,328.00.
3. AUTHORIZE the Los Angeles Department of Building and Safety to make technical corrections or clarifications as may be necessary to implement the intent of this Motion.

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR WEDNESDAY, SEPTEMBER 7, 2011 PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED, AS AMENDED - FORTHWITH - SEE FOLLOWING

Findings on Need to Act - Adopted, Ayes (12); Absent: Cárdenas, LaBonge (2)
Adopted, Ayes (12); Absent: Cárdenas, LaBonge (2)

[11-0002-S124](#)

MOTION (GARCETTI - REYES) and RESOLUTION relative to the City's position on AB 436, which would make changes to the method by which SBX2-9 funds the Department of Industrial Relations.

Recommendations for Council action:

ADOPT the accompanying RESOLUTION to hereby include in its 2011-12 State Legislative Program SUPPORT of AB 436, which would make changes to the method by which SBX2-9 funds the Department of Industrial Relations to perform prevailing wage monitoring services for public works projects.

ADOPTED

AMENDING MOTION (KREKORIAN - GARCETTI)

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

INCLUDE in the City's 2011-12 State Legislative Program SUPPORT of Assembly Bill 436, in its current form, which would make changes to the method by which SBX2-9 funds the Department of Industrial Relations to perform prevailing wage monitoring services for public works projects.

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

[10-2265-S1](#)

MOTION (LABONGE for CD 15 - PERRY) relative to authorizing the Bureau of Engineering to waive any bond requirement associated with the development of the Wattstar Theatre.

[11-1533](#)

MOTION (KORETZ - REYES) relative to funding for services in connection with the October 13, 2011 Council District Five special reception for UCLA Advocacy Day in the City Hall Tom Bradley Room and Rotunda.

[11-1535](#)

MOTION (REYES - ZINE) relative to authorizing the Department of Recreation and Parks use of the City Hall Tom Bradley Room on September 12, 2011.

[11-1336-S1](#)

MOTION (PERRY - REYES) relative to funding for additional support of the Art Walk event in the downtown area.

[11-1534](#)

MOTION (WESSON - ZINE) relative to installing street banners announcing the Southwestern Law School's 100th Anniversary celebration.

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

[11-1536](#)

RESOLUTION (PERRY - PARKS) relative to declaring September 17, 2011 as James Brown Day in the City of Los Angeles.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Motion (Garcetti - Englander) unanimously adopted to excuse Councilmember LaBonge from Council session of Friday, September 9, 2011 and upon his request and without objections was excused from Council sessions of Friday, October 21, Tuesday, November 1, and Wednesday, November 2, 2011 all due to City Business.

Upon his request, and without objections, Councilmember Alarcón was excused from Council session of Tuesday, October 4, 2011 due to Personal Business.

Upon her request, and without objections, Councilmember Perry was excused from Council session of Wednesday, October 26, 2011 due to City Business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[11-0004](#) -S2 - Betty Marion White

Rosendahl - Wesson

Neil Patrick Harris

Garcetti - LaBonge

Life Insurance Awareness Month

Garcetti - All Councilmembers

Buddy Holly

Garcetti - LaBonge

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

[11-0003-S2](#) - Jesus "Jesse" Ravega

(Alarcón - All Councilmembers)

June Claire Wayne

(Garcetti)

Ron Boltz

(Reyes)

Dr. Milton Maurice Merriweather

(Parks - Perry)

Ray Jenkins

(Wesson)

Alarcón, Englander, Huizar, Koretz, Krekorian, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (12); Absent: Cárdenas and LaBonge (2)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL