

Los Angeles City Council, **Journal/Council Proceedings**
Tuesday, **February 21, 2012**
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: Buscaino, Englander, Garcetti, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (10); Absent: Alarcón, Cárdenas, Koretz, Krekorian and Perry (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
FEBRUARY 17, 2012

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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 1-3

ITEM NO. (1) - CONTINUED TO FEBRUARY 28, 2012

Adopted to Continue, Unanimous Vote (12); Absent: Alarcón, Cárdenas and Krekorian (3)

[10-1947](#)

CITY ATTORNEY REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) regarding the Sewer Facilities Charge, the Industrial Wastewater Permit application fee, Inspection and Control fees, Quality Surcharge Fee, and Significant industrial user Fee, the Septage Disposal Control Permit Application and User Fees, and the Sewer Service Charge, to impose a supplemental charge to the Sewer Service and Low-Strength Sewer Service Charges and to make technical corrections to the Sewer Service Charge appeal process.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Sections 64.11.3, 64.16.1, 64.19, 64.30, 64.31, 64.41.01, 64.41.03 and 64.41.07 of the LAMC to modify the Sewer Facilities Charge, the Industrial Wastewater Permit application fee, Inspection and Control fees, Quality Surcharge Fee, and Significant industrial User Fee, the Septage Disposal Control Permit Application and User Fees, and the Sewer Service Charge, to impose a supplemental charge to the Sewer Service and Low-Strength Sewer Service Charges and to make technical corrections to the Sewer Service Charge appeal process.

ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUED TO MARCH 27, 2012

Adopted to Continue, Unanimous Vote (12); Absent: Alarcón, Cárdenas and Krekorian (3)

[10-1504](#)

CDs 4 & 13

HEARING TESTIMONY AND COMMENTS relative to the proposed levy of assessment of the Los Feliz Village Business Improvement District, pursuant to the provisions of Section 54954.6 of the Government Code and Section 36500 et seq. of the Streets and Highways Code.

(Final Hearing scheduled for March 27, 2012 pursuant to adoption of Ordinance No. 192031 on January 31, 2012)

ITEM NO. (3) - CONTINUED TO MARCH 21, 2012

Adopted to Continue, Unanimous Vote (12); Absent: Alarcón, Cárdenas and Krekorian (3)

[11-1419](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 1068 North Villa Grove Drive, APN 4409-007-003. (Lien: \$2,106.93)

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 1068 North Villa Grove Drive, 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 Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$2,106.93 on the above referenced property.

(Continued from Council meeting of January 17, 2012)

Items for Which Public Hearings Have Been Held - Items 4-9

Adopted, Ayes (12); Absent: Alarcón, Cárdenas and Krekorian (3)
(Item Nos. 4-5)

ITEM NO. (4) - ADOPTED

[12-0104](#)

AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE REPORT relative to an audit of the American Recovery and Reinvestment Act (ARRA) competitive grant funding for the City of Los Angeles.

Recommendation for Council action:

NOTE and FILE the January 23, 2012 Controller report relative to an audit of the ARRA competitive grant funding for the City of Los Angeles.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (5) - ADOPTED

[11-2023](#)

CD 4

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal of conditions imposed to mitigate the adverse impacts on the community caused by the operation of a nightclub at 4712 North Lankershim Boulevard.

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

1. FIND that this action is categorically exempt from California Environmental Quality Act of pursuant to Article III, Section 1, Class 21(2) of the City's Environmental Guidelines. [ENV 2011-1404-CE]
2. ADOPT the FINDINGS of the Zoning Administrator as the Findings of the Council.
3. RESOLVE TO DENY APPEAL filed by Blue Moon Nights, dba Blue Moon Night Club, (Greg Sletteland, representative), operator, from the entire determination of the Zoning Administrator, and THEREBY IMPOSE conditions on the operation of a nightclub at 4712 North Lankershim Boulevard, inasmuch as the business was found to be a nuisance and required modification of its operation to mitigate adverse impacts to the surrounding area.

Applicant: City of Los Angeles (Office of Zoning Administration) DIR 2011-1402 (RV)

Fiscal Impact Statement: None submitted by the Planning Department. 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. (6) - ADOPTED, AS AMENDED - SEE FOLLOWING

to Adopt as Amended, Ayes (15)

[12-0180](#)

CD 3

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal for property at 5726 North Fallbrook Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 12-0180 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2009-2838-MND] filed on March 25, 2010.
2. ADOPT the FINDINGS of the Zoning Administrator as the Findings of Council.
3. RESOLVE TO GRANT IN PART / DENY IN PART THE APPEAL filed by Niles and Elisa Willits-Spolin on behalf of the Affected Neighbors of Woodland Hills, from part of the decision of the Zoning Administrator, THEREBY APPROVING a Conditional Use Permit authorizing the continued operation and maintenance of an existing synagogue in a single-family dwelling in the R1 Zone Classification for property at 5726 North Fallbrook Avenue, subject to Conditions of Approval, as modified by the Planning and Land Use Management (PLUM) Committee and attached to Council file No. 12-0180.

Applicant: Averm Shlomof, Sephardic Synagogue

ZA-2009-2837-CU-1A

Representative: David Carlat

(On February 1, 2012, Council adopted Motion [Zine - Reyes] pursuant to Charter Section 245, asserting jurisdiction over the November 10, 2011 action [Corrected Letter of Determination dated January 27, 2012] of the South Valley Area Planning Commission.)

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 22, 2012

(LAST DAY FOR COUNCIL ACTION - FEBRUARY 22, 2012)

ADOPTED

AMENDING MOTION (ZINE - ROSENDAHL)

Recommendations for Council action:

ADOPT the attached matrix of Religious Holidays and Life Cycle Events to govern the time, date and location of various religious activities to be permitted at this address, and to ADOPT the attached modification to Condition No. 8.

ITEM NO (7) - ADOPTED

Adopted, Ayes (15)

[09-1977-S1](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the appropriate use of brush clearance equipment and the precautions that should be taken to maximize safety and prevent fires.

Recommendations for Council action:

1. INSTRUCT the Los Angeles Fire Department (LAFD) to present the brush clearance safety tips posted at its web-site and in brochures also available in Spanish, and to develop a plan for the direct dissemination of the safety tips to brush clearance workers and contractors.
2. RECEIVE and FILE Motion (Koretz - Englander) instructing the LAFD, with the assistance of the City Attorney, to report relative to brush clearance requirements, the appropriate equipment for brush clearance to maximize safety, the use of fire extinguishers or other fire retardant to ensure that a fire could be immediately contained or prevented, and recent changes in the Very High Fire Hazard Severity Zones Boundary.

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

Community Impact Statement: None submitted.

ITEM NO. (8) - ADOPTED

Adopted, Ayes (12); Absent: Alarcón, Cárdenas and Krekorian (3)

[11-0600-S126](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the Los Angeles Police Department (LAPD) expenditures made from the Forfeited Assets Trust Fund.

Recommendation for Council action:

RECEIVE and FILE the LAPD Forfeited Assets Trust Fund Expenditures Report for the period July to September, 2011 (attached to the Council file).

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED

Adopted, Ayes (15)

[11-2110](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the feasibility and the impacts on an implementation of a complete cell phone ban while driving.

Recommendations for Council action:

1. DIRECT the Los Angeles Police Department (LAPD) to report relative to the number of citations issued for cell phone usage while driving and if available the number of accidents related to or caused by cell phone usage while driving.
2. DIRECT the Chief Legislative Analyst (CLA) to monitor State and Federal legislation regarding complete cell phone ban while driving, and to provide reports of such legislation to Council.
3. RECEIVE and FILE Motion (LaBonge - Garcetti) instructing the CLA, the LAPD, the Los Angeles Fire Department, and the Los Angeles Department of Transportation to report, along with a representative from the National Transportation Safety Board on the feasibility and the impacts on an implementation of a complete cell phone ban while driving.

Fiscal Impact Statement: Neither the City Administrative Officer 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 10-15

(10 Votes Required for Consideration)

Adopted, Ayes (15)
(Item Nos. 10a-10j)

ITEM NO. (10) - ADOPTED

[12-0005-S91](#)

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 February 14, 2012:

[12-0005-S91](#)

CD 9

- a. Property at 904 East 42nd Place (Case No. 306383).
Assessor I.D. No. 5115-017-007

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

[12-0005-S92](#)

CD 9

- b. Property at 914 West 41st Drive (Case No. 108582).
Assessor I.D. No. 5020-033-023

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on April 26, 2007)

[12-0005-S93](#)

CD 10

- c. Property at 1364 South Keniston Avenue (Case No. 156143).
Assessor I.D. No. 5083-025-008

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 26, 2008)

[12-0005-S94](#)

CD 13

- d. Property at 151 North Edgemont Street (Case No. 332083).
Assessor I.D. No. 5518-012-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 15, 2011)

[12-0005-S95](#)

CD 13

- e. Property at 865 North Hoover Street (Case No. 38198).
Assessor I.D. No. 5539-012-015

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on October 2, 2008)

[12-0005-S96](#)

CD 13

- f. Property at 939 North Oxford Avenue (Case No.345838).
Assessor I.D. No. 5535-021-001

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 1, 2011)

[12-0005-S97](#)

CD 14

- g. Property at 3755 North Locke Avenue (Case No. 334950).
Assessor I.D. No. 5306-011-050

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 4, 2011)

[12-0005-S98](#)

CD 14

- h. Property at 540 North San Benito Street (Case No. 212282).
Assessor I.D. No. 5175-033-012

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

[12-0005-S99](#)

CD 14

- i. Property at 540 North San Benito Street (Case No. 308205).
Assessor I.D. No. 5175-033-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 10, 2010)

[12-0005-S100](#)

CD 14

- j. Property at 540 North San Benito Street (Case No. 340321).
Assessor I.D. No. 5175-033-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 18, 2011)

ITEM NO. (11) - ADOPTED

Adopted, Ayes (15)

[11-1896](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS AND NEIGHBORHOODS COMMITTEE relative to the release of the Evidence-Based Program (EBP) Request for Proposals (RFP) for the selection of contractors to provide EBP services.

Recommendations for Council action:

1. APPROVE the EBP RFP documents, as detailed in the November 3, 2011 Los Angeles Department of Aging (LADOA) report, attached to the Council file.
2. AUTHORIZE the General Manager, LADOA, to release the EBP RFP, as detailed in the November 3, 2011 LADOA report, attached to the Council file.

Fiscal Impact Statement: The LADOA reports the EBP is funded with Community Development Block Grant and the City General Fund. It is projected that \$297,633 in City General Funds will be allocated to the project for Program Year 2012-13.

Community Impact Statement: None submitted.

(Housing, Community and Economic Development Committee waived consideration of this matter.)

ITEM NO. (12) - ADOPTED

Adopted, Ayes (15)

[11-0089](#)

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to acceptance of a Juvenile Justice Crime Prevention Act grant award in the amount of \$170,720 from the Los Angeles County Department of Probation to support the Young Women: From Adversity to Resiliency (YWAR) Program.

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

1. AUTHORIZE the Mayor, or designee, to retroactively accept the Fiscal Year 2011-12 Juvenile Justice Crime Prevention Act Grant in the amount of \$170,720 from the Los Angeles County Department of Probation to support the City's YWAR Program and execute the eleventh year of the Memorandum of Understanding (MOU) with the Los Angeles County Department of Probation, for the period effective July 1, 2011 through June 30, 2012 and submit any other necessary agreement and documents relative to the grant award, subject to the review and approval of the City Attorney as to form.
2. AUTHORIZE the Controller to:

- a. Establish a receivable in the Schiff-Cardenas Act Fund No. 45D in the amount of \$170,720, disburse the grant funds upon presentation of documentation or proper demand from the Mayor's Office, and create new appropriation accounts within Fund 45D/46 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
46H146	Salaries - Mayor's GRYD Office	\$131,492
46H299	Fringe Benefits - GRYD	\$ 24,940
46H302	Supplies	\$ 2,000
46H310	Curriculum, Materials, Activities	\$ 5,763
46H315	Equipment	\$ 3,000
46H320	Training and Development	\$ 1,825
46H605	Other - Stipends, Special Events	<u>\$ 1,700</u>
	Total	\$170,720

- b. Upon submission of proper documentation and approval from the Mayor's Office, transfer up to \$156,432 from the Schiff-Cardenas Act Fund No. 45D/46, as follows:

	<u>Fund</u>	<u>Title</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	45D/46	Schiff-Cardenas Fund	46H146	Salaries-Mayor	\$131,492
To:	100/46	General Fund	001020	Salaries Grant Reimbursed	\$131,492
From:	45D/46	Schiff-Cardenas Fund	46H299	Fringe Benefits	\$ 24,940
To:	100/46	General Fund	5346	Related Cost Reimbursed	\$ 24,940

3. AUTHORIZE the Mayor, or designee, to prepare Controller instructions and/or make technical adjustments that may be required to implement the actions approved by the Mayor and Council on these matters, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The Mayor reports that there is no additional impact on the General Fund. Acceptance of the Fiscal Year 2011-12 Juvenile Justice Crime Prevention Act Grant in the amount of \$170,720 and approval of grant-related actions will result in the implementation of the City's Young Women from Adversity to Resiliency Program and support of two Full-Time Gang Reduction and Youth Development positions and two part-time student professional workers. Accepting the grant and approving the recommendations is in compliance with the Financial Policies in that sufficient grant revenues are available to support the cost of this program. Funding to continue the program beyond the performance period is dependent on receipt of additional grant funds or General Fund appropriations.

Community Impact Statement: None submitted.

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

ITEM NO. (13) - ADOPTED

Adopted, Ayes (15)

[11-0912-S1](#)

CD 4

CONSIDERATION OF MOTION (LABONGE - GARCETTI) and RESOLUTION relative to submitting a grant application to the State of California Department of Housing and Community Development (HCD) for the Building Equity and Growth in Neighborhoods (BEGIN) home ownership grant program for the Elmer Court Project (5623-37 Elmer Avenue) for \$744,000 to provide homebuyer assistance loans to low and moderate income first-time homebuyers.

Recommendations for Council action:

1. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to submit an application to the HCD BEGIN Program for the Elmer Court Project first-time homebuyer assistance program in the total amount of \$744,000 for 10 homebuyers, for an average BEGIN loan of \$74,000 per homebuyer (loans of up to 20 percent of the sales price); and APPROVE the attached RESOLUTION for this purpose.
2. INSTRUCT the General Manager, LAHD, or designee to report with the grant agreement as well as with fund transfer recommendations for approval if the BEGIN grants are awarded to the City of Los Angeles.

Community Impact Statement: None submitted.

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

ITEM NO. (14) - ADOPTED

Adopted, Ayes (15)

[12-0236](#)

CD 14

MOTION (HUIZAR - BUSCAINO) relative to authorizing the Bureau of Street Services (BSS) and the Los Angeles Department of Transportation (LADOT) to temporarily close Wall Street between Seventh and Eighth Streets on February 14, 2012.

Recommendation for Council action:

RESOLVE to AUTHORIZE the BSS and the LADOT, pursuant to Ordinance No. 122716, to temporarily close Wall Street between Seventh and Eighth Streets on February 14, 2012 between the hours of 5:00 a.m. and 4:00 p.m. as the result of unusual hazards and congestion during this period.

ITEM NO. (15) - ADOPTED

Adopted, Ayes (15)

[12-0235](#)

CD 6

MOTION (CARDENAS - HUIZAR) relative to a personal services contract with Stacy Bellew to provide services to the Sixth Council District.

Recommendations for Council action:

1. APPROVE the personal services contract with Stacy Bellew to provide services to the Sixth Council District from February 1, 2012 to April 30, 2012 in an amount not to exceed \$13,500 from funds available in the Council Office Budget.
2. AUTHORIZE the Councilmember of the Sixth Council District to execute said contract on behalf of the City.
3. INSTRUCT the City Clerk to encumber the necessary funds against the Contractual Services Account of the Council Fund for the Fiscal Year 2011-12.

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

[11-1529-S4](#)

MOTION (LABONGE - WESSON) relative to changing the regularly scheduled meeting day and time of the Trade, Commerce and Tourism Committee.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objection, Councilmember Buscaino was excused to arrive at 11:00 a.m. to the Council session of Friday, February 24, 2012.

Upon his request, and without objection, Councilmember Englander was excused to leave at 12:00 p.m. from the Council session of Tuesday, February 28, 2012.

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

12-0003 - Zina Bethune	(LaBonge - All Councilmembers)
Ruby Din Yee	(LaBonge - All Councilmembers)
Joseph Lee Golden	(Rosendahl)
Susan Bierman	(Wesson)

Alarcón, Buscaino, Cárdenas, Englander, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (15)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By	
Council Clerk	PRESIDENT OF THE CITY COUNCIL