

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **May 8, 2013**
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, Buscaino, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (13); Absent: Garcetti (1) Vacant: Council District Six

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
MAY 3, 2013

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 11

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 1-7

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

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

[13-0100](#)
CD 14

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Ithaca Avenue and Haven 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 April 17, 2013)

Adopted, Ayes (13); Absent: GARCETTI (1)
(Item Nos. 2-7)

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

[13-0102](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Grand Avenue and Vista Del Mar 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 April 17, 2013)

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

[13-0115](#)

CD 14

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Los Angeles and 4th Streets Lighting District.

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

1. FIND that a majority protest exist in the Street Lighting Maintenance Assessment District and therefore the assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to 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).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 17, 2013)

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

[13-0116](#)

CD 5

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the La Cienega Boulevard and Westmount Drive Lighting District.

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

1. FIND that a majority protest exist in the Street Lighting Maintenance Assessment District and therefore the assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to 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).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held April 17, 2013)

ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED ON MAY 29, 2013

[13-0216](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Exposition and Westwood Boulevards Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on March 6, 2013 - Continue hearing and present Ordinance on May 29, 2013 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (6) - PUBLIC HEARING HELD - CONTINUED HEARING AND ORDINANCE TO BE PRESENTED ON MAY 29, 2013

[12-0714](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Third Street and Fairfax Avenue (Reballot) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Third Street and Fairfax Avenue (Reballot) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on March 6, 2013 - Continue hearing and present Ordinance on MAY 29, 2013 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (7) - PUBLIC HEARING CLOSED - ADOPTED

[13-0452](#)

CD 3

HEARING COMMENTS relative to application for determination of Public Convenience or Necessity for alcohol sales for off-site consumption at Target retail store.

1. DETERMINE that the issuance of a liquor license at Target retail store located at 6700 Topanga Canyon Boulevard, Canoga Park, 91303, 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 6700 Topanga Canyon Boulevard.
3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Application filed by: Target Corporation (Beth Aboulafia, Hinman & Carmichael, LLP, representative)

TIME LIMIT FILE - JULY 16, 2013

(LAST DAY FOR COUNCIL ACTION - JULY 3, 2013)

Items for Which Public Hearings Have Not Been Held - Items 8-13

(10 Votes Required for Consideration)

Adopted, Ayes (13); Absent: GARCETTI (1)
(Item Nos. 8a-8i)

ITEM NO. (8) - ADOPTED

[13-0005-S279](#)

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 April 30, 2013:

[13-0005-S279](#)

CD 2

- a. Property at 11422 West Emelita Street (Case No. 314492).
Assessor I.D. No. 2338-014-013

[13-0005-S280](#)

CD 2

- b. Property at 11423 West Emelita Street (Case No. 342948).
Assessor I.D. No. 2338-014-013

[13-0005-S281](#)

CD 4

- c. Property at 4701 West Ambrose Avenue (Case No. 384706).
Assessor I.D. No. 5589-021-020

[13-0005-S282](#)

CD 5

- d. Property at 855 North Hayworth Avenue (Case No. 390864).
Assessor I.D. No. 5529-021-047

[13-0005-S283](#)

CD 8

- e. Property at 1249 West 39th Place (Case No. 391782).
Assessor I.D. No. 5037-007-022

[13-0005-S284](#)

CD 13

- f. Property at 1746 North Lucretia Avenue (Case No. 392888).
Assessor I.D. No. 5420-027-002

[13-0005-S285](#)

CD 14

- g. Property at 1325 East Warren Street (Case No. 244177).
Assessor I.D. No. 5174-017-025

[13-0005-S286](#)

CD 14

- h. Property at 1325 East Warren Street (Case No. 385237).
Assessor I.D. No. 5174-017-025

[13-0005-S287](#)

CD 15

- i. Property at 625 North Island Avenue (Case No. 359484).
Assessor I.D. No. 7416-027-046

ITEM NO. (9) - ADOPTED - FORTHWITH

Adopted, Ayes (11); Absent: GARCETTI (1); Noes: PARKS, PERRY (2)

[13-0295](#)
[13-0295-S1](#)
[13-0295-S2](#)
[13-0295-S3](#)
[13-0295-S4](#)
[13-0295-S5](#)
[13-0295-S6](#)
[13-0295-S7](#)
[13-0295-S8](#)

COMMUNICATION FROM THE PORT OF LOS ANGELES and CONSIDERATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 21151(C) APPEALS filed by the City of Long Beach; Coalition for Clean Air, East Yard Communities for Environmental Justice, and Natural Resources Defense Council; Fast Lane Transportation, Incorporated; Coalition For A Safe Environment; Long Beach Unified School District; South Coast Air Quality Management District; and California Cartage Company, Three Rivers Trucking Incorporated, Los Angeles Harbor Grain Terminal, and San Pedro Forklift, of the Final Environmental Impact Report prepared for the Southern California International Gateway (SCIG) Project approved by the Board of Harbor Commissioners on March 7, 2013, relative to the Southern California International Gateway Project:

Recommendations for Council action:

1. CERTIFY that:
 - a. The Final Environmental Impact Report (EIR) has been completed in compliance with CEQA.
 - b. The Final EIR was presented to the City Council and the City Council reviewed and considered the information contained in the Final EIR prior to approving the project.
 - c. The Final EIR reflects the City's independent judgment and analysis.
2. ADOPT the Findings of Fact, Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (contained in Board of Harbor Commissioners (BOHC) Resolution No. 13-7451).
3. AFFIRM the BOHC's certification of the Final EIR and project approval.
4. DENY the appeals submitted by the Appellants on the grounds set forth in the Port of Los Angeles Communication dated April 25, 2013.

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

Community Impact Statement: None submitted.

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

ITEM NO. 10) - ADOPTED, AS AMENDED - FORTHWITH - SEE FOLLOWING

Adopted, Ayes (11); Noes: PARKS, PERRY (2); Absent: GARCETTI (1)

10 - "A" Adopted, Ayes (13); Absent: GARCETTI (1)

10 - "B" Adopted as Amended, Ayes (13); Absent: GARCETTI (1)

10 - "D" Adopted, Ayes (13); Absent: GARCETTI (1)

10 - "E" Adopted, Ayes (13); Absent: GARCETTI (1)

[13-0398](#)

CD 15

ENVIRONMENTAL IMPACT REPORT (EIR) and COMMUNICATION FROM THE BOARD OF HARBOR COMMISSIONERS relative to the proposed Site Preparation and Access Agreement (SPAA) with BNSF Railway Company for the construction, operation and maintenance of the Southern California International Gateway (SCIG) facility.

Recommendations for Council action:

1. ADOPT the determination by the Los Angeles Harbor Department that the project and the proposed 50-year Permit were assessed in an EIR prepared in accordance with the California Environmental Quality Act (CEQA), which was certified by action of the Board of Harbor Commissioners on March 7, 2013.
2. APPROVE the SPAA and Permit 901 with BNSF Railway Company for the construction, operation and maintenance of the SCIG facility.

Fiscal Impact Statement: The Board of Harbor Commissioners reports that approval of proposed SPAA will add estimated fixed annual License Fee compensation to the Harbor Department in the amount of \$6,266,106 (minus rent credits not to exceed \$12,532,212) for the length of the development period (subject to annual CPI-U adjustment). Approval of the proposed Permit will add estimated fixed annual rent to the Harbor Department in the amount of \$7,832,633 for the first five years of the Permit (subject to annual CPI-U adjustment), plus a significant additional amount of per-container rent for the final two years or the initial five-year period, and each year thereafter. The compensation terms of both the proposed SPAA and Permit conform to the Board's rate of return policy.

Community Impact Statement: None submitted.

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

ADOPTED - FORTHWITH

MOTION - 10-A (LABONGE - ENGLANDER)

Recommendations for Council action:

AMEND, upon a full resolution of all CEQA issues resulting in approval of a certified Final EIR for this project (Item 9 on today's Council Agenda), to adopt the following findings:

1. In accordance with Section 607(a) of the Charter, Council hereby finds that the issuance of the SPAA and Permit with aggregate terms up to 50 years is in the best interests of the City in that:
 - a. A 50-year term facilitates the Port of Los Angeles' ("POLA's") ability to retain and grow market share as global competition brought about by the Panama Canal widening and other factors intensifies, by: increasing the efficient movement of containers onto and off of the premises of POLA tenants; introducing a second Class 1 rail operator to the San Pedro Bay, thereby increasing rate and service competition beneficial to POLA customers; and tangibly demonstrating the commitment and ability to maintain state-of-the-art infrastructure in an environmentally responsible way.
 - b. A 50-year term ensures that the communities surrounding POLA and the routes formerly used by trucks transporting containers that now will be carried by rail benefit from the emissions reductions brought about by the SCIG for the longest period allowed by currently applicable law.
 - c. Over 50 years, the SPAA and Permit will generate an estimated \$800 million in revenue for the Harbor Department, \$320 million of which will be generated from years 31 through 50 of the term.
 - d. Ten ant BNSF's investment of approximately \$500 million to design and construct the SCIG, as a Class 1 facility, is contingent upon a 50-year term, which provides a sufficient period of operations to obtain a reasonable return.

ADOPTED, AS AMENDED - FORTHWITH

MOTION - 10-B (ALARCON - HUIZAR - BUSCAINO) relative to the Southern California International Gateway Project.

Recommendation for Council action:

AMEND to request the Port of Los Angeles to prepare and present a report to the City Council in 75 days on any efforts on behalf of the Port of Los Angeles to provide assistance to workers who may be displaced due to relocation of businesses associated with the development of the Southern California International Gateway facility.

ADOPTED - FORTHWITH

MOTION (BUSCAINO - ALARCON)

Recommendation for Council action:

AMEND Motion 10-B (Alarcon - Huizar - Buscaino) to request BNSF to work with each/all of the displaced tenants and apply best efforts with regards to tenant relocations.

ADOPTED - FORTHWITH

MOTION - 10-D (HUIZAR - KORETZ) relative to the proposed Site Preparation and Access Agreement with BNSF Railway Company for the construction, operation and maintenance of the Southern California International Gateway (SCIG) facility.

Recommendation for Council action:

AMEND to request the Harbor Department to report annually to the Council on the progress toward developing cleaner technologies applicable to the SCIG and the plans for integrating those technologies into the SCIG.

ADOPTED - FORTHWITH

MOTION - 10-E (KREKORIAN - BUSCAINO)

Recommendation for Council action:

AMEND to request the Harbor Department to report on the feasibility of expediting the use of LNG trucks and tier 3 & 4 locomotives.

ITEM NO. (11) - ADOPTED

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

[13-0528](#)

MOTION (WESSON - ALARCON) relative to the Leadership Development Institute Graduation Ceremony in the City Hall Tom Bradley Room on April 26, 2013.

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

APPROPRIATE \$203 from the Unappropriated Balance Fund No. 100/58 to the General Services Fund No. 100/40, Account No. 1070 (Salaries - As Needed), for services in connection with the April 26, 2013 Council District 10 special reception for the Leadership Development Institute Graduation Ceremony in the City Hall Tom Bradley Room - said funds to be reimbursed to the General Fund by the Millennium Momentum Foundation, Inc.

ITEM NO. (12) - ADOPTED

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

[13-0529](#)

CD 3

MOTION (ZINE - ROSENDAHL) relative to the assistance in the formation of the Reseda Business Improvement District (BID).

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

1. INSTRUCT the City Clerk to provide the necessary assistance to begin the formation of the Reseda BID.
2. TRANSFER \$80,000 in the AB1290 Fund No. 53P, Account No. 281203 (CD 3 Redevelopment Projects - Services) and appropriate the funds to the Business Improvement District Trust Fund No. 659 for funding the consultant study.

3. ALLOCATE up to \$80,000 from the Business Improvement District Trust Fund No. 659, and subject to terms and conditions as described in the City's Business Improvement District Policy documents to be used to hire a consultant, to gather data, prepare necessary documents, attend meetings and other activities to determine feasibility, and coordinate formal adoption process needed to establish the Reseda BID.
4. AUTHORIZE the City Clerk to work with Revitalize Reseda and the BID proponents for the hiring of a consultant, and prepare, execute and administer a contract between the City and selected consultant, subject to City Attorney approval, in an amount not to exceed \$80,000 for consultant activities and expenses for the entire process related to the establishment of the proposed Reseda BID.

ITEM NO. (13) - ADOPTED

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

[13-0530](#)

CD 2

MOTION (LABONGE for KREKORIAN - BUSCAINO) relative to promoting a street banner announcing the North Hollywood West Neighborhood Council.

Recommendations for Council action:

1. INSTRUCT City Council, in accordance with the Los Angeles Municipal Code (LAMC) Section 62.132 to APPROVE the Street Banner program identifying the North Hollywood West Neighborhood Council, as a City of Los Angeles Non-Event Street Banner program.
2. APPROVE the content of the Street Banner design for the above specified event.

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

[13-0559](#)

MOTION (ALARCON - BUSCAINO) relative to funding for the purchase of essential public safety equipment for the Fire Stations in Council District Seven.

[12-0968-S2](#)

MOTION (PARKS - PERRY) relative to amending prior Council action of April 26, 2013 regarding the University of Southern California/Development Agreement/Vermont Avenue Retail Business Façade Improvement Program/Funds Contribution.

[11-0010-S39](#)

MOTION (PERRY - PARKS) relative to reinstating the reward offer in the death of Carlos Martinez for an additional six months.

[13-0560](#)

MOTION (KREKORIAN - KORETZ) relative to announcing the Neighborhood Council Valley Village for the period of July 1, 2013 to June 30, 2014.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[13-0004-S1](#) - Los Angeles Housing Department (LAHD) (Krekorian - Wesson - All Councilmembers)

MASISS ANDRIASIAN (Krekorian - Wesson - All Councilmembers)

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

[13-0003-S1](#) - Dennis Francis Cremins Perry - LaBonge

Lois Bernadine Murray Parks - Perry

Sean Dugal McDougal Zine - All Councilmembers

Alarcón, Englander, Huizar, Koretz, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (11); Absent: Buscaino, Garcetti, Krekorian (3); Vacant: Council District Six

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL