

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

November 5 2013

TUESDAY - JOHN FERRARO COUNCIL CHAMBER ROOM 340, CITY HALL 200 NORTH
SPRING STREET, LOS ANGELES, CA 90012 - 10:00 AM

TUESDAY

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL

Members Present: Blumenfield, Bonin, Englander, Koretz, LaBonge, Martinez, O'Farrell, Parks, Price and President Wesson (10); Absent: Buscaino, Cedillo, Fuentes, Huizar and Krekorian (5)

Approval of the Minutes

Commendatory Resolutions, Introductions and Presentations

Public Testimony of Non-agenda Items Within Jurisdiction of Council

Items for which Public Hearings Have Been Held

ITEM NO. (1)

[12-1686](#)

ORDINANCE SECOND CONSIDERATION amending Subsection D of Section 163.03 of Article 3 of Chapter XVI of the Los Angeles Municipal Code to increase the amount of tenant relocation benefits the General Manager, Los Angeles Housing and Community Investment Department, is authorized to pay from \$50,000 to \$100,000 per property.

(Administrative Exemption and Housing Committee Report adopted on October 29, 2013)

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM NO. (2)

[13-0797](#)

ORDINANCE SECOND CONSIDERATION amending Section 88.00.2 of Chapter VIII of the Los Angeles Municipal Code in its entirety to revise the

limits and applicability of demand-based parking meter rates, and to delete Section 88.00.2(b).

(General Exemption and Transportation Committee Report adopted on October 29, 2013)

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM NO. (3)

[13-0953](#)

INNOVATION, TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the development of a citywide municipal WiFi initiative.

Recommendation for Council action, as initiated by Motion (Blumenfield – Price):

INSTRUCT the Information Technology Agency (ITA) to:

- a. Develop a City of Los Angeles Broadband Request for Proposal with a list of available assets and services that would entice a vendor to provide a build out of some level of free broadband service to all City residents while respecting the commercial carrier's basic levels of service and to not significantly influence carrier competition.
- b. Get estimates to provide WiFi coverage internally to both City Hall and City Hall East using City standard technology and removing paid services to centrally manage both public and internal WiFi in a secure manner.
- c. Report to the Innovation, Technology and General Services Committee with more information on the need to limit Neighborhood Empowerment and other City funded WiFi "hot spots" to City owned facilities and parks or communities with median incomes under \$45,000.
- d. Continue to support the Los Angeles Unified School District's mobile device deployment through broadband options that will enable their student base to get free or affordable broadband alternatives.
- e. Inventory digital inclusion programs in the City and determine how the City can support and expand those offerings to areas where affordable broadband is accessible.

Fiscal Impact Statement: None submitted by the ITA. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a

financial analysis of this report.

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (KREKORIAN - BLUMENFIELD)

Recommendation for Council action:

INSTRUCT the Information Technology Agency to work with the Economic and Workforce Development Department to develop a strategic plan to align our broadband infrastructure investments with the City's economic development objectives.

Adopted as Amended - FORTHWITH, (13) ; Absent: Buscaino , Fuentes (2)

ITEM NO. (4)

[13-1134](#)

CD 13

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal filed for property located at 1600 - 1618 1/2 North Highland Avenue, 1600 - 1622 North McCadden Place, and 6709 - 6777 West Selma 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. 13-1134 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-2011-2158-MND] filed on December 14, 2012.
2. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC), including the Environmental Findings, as the Findings of the Council.
3. RESOLVE TO DENY THE APPEAL filed by George Soluk and John Soluk from part of the determination of the LACPC, THEREBY APPROVING: 1) a zone variance to permit 538 parking spaces in lieu of the required 584 parking spaces and 2) a site plan review for

development which creates or results in an increase of 50 or more dwelling units, subject to modified Conditions of Approval, for the proposed construction of two mixed-use commercial and residential buildings (Buildings A and B) that will include 248 residential units and 12,785 square feet of retail uses, for a total of 249,722 square feet, for property located at 1600 - 1618 1/2 North Highland Avenue, 1600 - 1622 North McCadden Place, and 6709 - 6777 West Selma Avenue.

Applicant: Robert D. Champion, Highland Selma Venture, LLC
Representative: Jerry Neuman, Sheppard Mullin, LLC

Case No. CPC-2011-2157-ZV-SPR

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 25, 2013

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 22, 2013)

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM NO. (5)
[12-1627](#)

PUBLIC SAFETY COMMITTEE REPORT relative to a reprogramming of 2012 Federal Emergency Management Agency (FEMA) / Urban Search and Rescue (USAR) Task Force Readiness Cooperative Agreement grant funds.

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

1. TRANSFER up to \$285,000 from Fund No. 100/38, Account No. 1012 (Sworn Salaries) to Fund No. 335/38, Account No. 38012R, to support the necessary expense and purchase of equipment items that will be reimbursed by the FEMA grant.
2. AUTHORIZE the Chief, Los Angeles Fire Department (LAFD), or designee, to deposit the FEMA grant funds received under this cooperative agreement into Fund No. 335/38 (Fire Department Grants).
3. TRANSFER the FEMA grant funds from Fund 335/38 to Fund 100/38, Account 4681 for fringe benefits upon submission of proper documentation by the LAFD of actual costs incurred through June 1, 2014.

4. TRANSFER the FEMA grant funds up to \$244,782, from Fund No. 335/38 Account 38012R to Fund No. 100/38, Account 1012 (Sworn Salaries), Account 1010 (Salaries General) and Account 1098 (Variable Staffing Overtime) based on the LAFD's submissions to the City Administrative Officer (CAO) documenting actual costs incurred for this FEMA/USAR no-match Cooperative Agreement Program through the end of the grant term of January 31, 2015.
5. TRANSFER the uncommitted balance of advanced funds as of June 1, 2014 from Fund No.335/38, Appropriation Account No. 38012R to Fund No. 100/38, Account No. 1012 (Sworn Salaries) to meet payroll needs.
6. AUTHORIZE the LAFD to prepare Controller's instructions for any technical adjustments, subject to the approval of the CAO; and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The acceptance and use of FEMA grant funds is consistent with City financial policies in that Federal grant funds will be used for one-time expenses to support the continued development and maintenance of the USAR Task Force.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM (6)
NO.

[12-1807](#)

PUBLIC SAFETY COMMITTEE REPORT relative to re-appropriating Fiscal Year (FY) 2011 State Homeland Security Grant Program funds for use by the Los Angeles Police (LAPD) and Fire Departments (LAFD).

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

1. AUTHORIZE the Controller to:
 - a. Transfer and create new appropriations within Fund 54J, FY11 SHSGP, as follows:

	<u>Fund/Dept No.</u>	<u>Account Title</u>	<u>Amount</u>
From:	54J/46	46J170 LAPD	\$199,314
	54J/46	46J938 LAFD	<u>200,000</u>

Total: \$399,314

<u>Fund/Dept No.</u>	<u>Account Title</u>	<u>Amount</u>
To: 54J/46	46K170 LAPD	\$199,314
54J/46	46K138 LAFD	<u>200,000</u>
		Total: \$399,314

b. Transfer appropriations from Fund 54J, FY11 SHSGP to the General Fund, as follows:

<u>Fund/Dept No.</u>	<u>Account Title</u>	<u>Amount</u>
From: 54J/46	46K170 LAPD	\$199,314
54J/46	46K138 LAFD	<u>200,000</u>
		Total: \$399,314

<u>Fund/Dept. No.</u>	<u>Account Title</u>	<u>Amount</u>
To: 100/70	001098 Salaries, Overtime	\$199,314
100/38	006020 Operating Expenses	<u>200,000</u>
		Total: \$399,314

c. Transfer cash from Fund 54J, FY11 SHSGP, to reimburse the General Fund on an as-needed basis, upon presentation of proper documentation from the LAPD and LAFD, subject to the Mayor's Office of Homeland Security and Public Safety approval.

2. AUTHORIZE the Mayor's Office of Homeland Security and Public Safety to prepare Controller's instructions for any necessary technical adjustments, subject to the approval of the CAO; and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. Approval of the above recommendations will allow for the continued expenditures of the FY 2011 State Homeland Security Grant Program award. These actions are in compliance with City financial policies in that grant funds are sufficient to support the grant activities.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM (7)
NO.

PUBLIC SAFETY COMMITTEE REPORT relative to the Fiscal Years (FY) 2012 and 2013 Securing the Cities grant award from the United States Department of Homeland Security Domestic (DHS) Nuclear Detection Office.

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

1. AUTHORIZE the Mayor, or designee, to:
 - a. Accept on behalf of the City, the FY 2012 Securing the Cities grant in the amount of \$1,500,000 from the DHS Domestic Nuclear Detection Office for the period January 1, 2013 to December 31, 2013.
 - b. Accept on behalf of the City, the FY 2013 Securing the Cities grant in the amount of \$9,900,000 from the DHS Domestic Nuclear Detection Office for the period July 15, 2013 to July 14, 2014.
 - c. Submit to the grantor on behalf of the City, requests for drawdown of funds for payment or reimbursements of City and partner jurisdiction funds expended for approved grant purposes.
 - d. Execute the Grant Award Agreements on behalf of the City and submit any other necessary agreements and documents relative to the grant awards, subject to the approval of the City Attorney as to form and legality.
 - e. Execute subrecipient agreements, subject to the approval of the City Attorney as to form and legality, for the distribution of Securing the Cities grant funds in accordance with the budget allocations for FY 2012 and FY 2013 as approved by the grantor and as set forth in Attachment 5 to the Mayor's report dated October 2, 2013 (attached to the Council file), for a term of up to 59 months but ending no later than September 14, 2017 with the following LA Securing the Cities Primary Participants: Los Angeles County, City of Long Beach, Orange County and the California Highway Patrol.
 - f. Execute Memorandum of Agreements, subject to the approval of the City Attorney as to form and legality, for the distribution of Securing the Cities grant funds in accordance with the budget allocations for FY 2012 and FY 2013 as approved by the grantor and as set forth in Attachment 5 to the Mayor's report dated October 2, 2013, for a term of up to 59 months but ending no later than September 14, 2017 with Port of Los Angeles (POLA) and Los Angeles World Airports (LAWA).
 - g. Negotiate and execute a contract between the City of Los Angeles and a consultant(s) for a term of up to 12 months within the applicable grant performance period, not to exceed \$161,527, subject to the approval of the City Attorney as to form and legality.

- h. With the assistance of General Managers of affected City Departments, to release requests for proposals, evaluate proposals, and negotiate contracts for the purchase of approved equipment and training including consulting services, as detailed in the FY 2012 and Securing the Cities budgets.
 - i. Receive, deposit into, and disburse from the new FY 2012 and 2013 Securing the Cities grant fund.
2. ADOPT the FY 2012 and 2013 Securing the Cities grant budgets and AUTHORIZE the Mayor's Office of Homeland Security and Public Safety to expend the grants in accordance with the approved budgets.
3. AUTHORIZE the Controller, or designee, to:
- a. Establish a new interest-bearing fund, entitled FY12 and FY13 Securing the Cities, create a receivable in this new fund in the amount of \$9,900,000 and create new appropriation accounts within Fund XXX/46, as follows:

<u>Account Title</u>	<u>Amount</u>
46K304 Contractual Services	\$161,527
46K730 Equipment	7,365,761
46K170 LAPD Salaries	369,600
46K138 LAFD Salaries	64,400
46K904 LAWA	287,000
46K942 POLA	88,900
46K668 Partner Jurisdictions	1,318,100
46K146 Mayor's Office Salaries	163,887
46K299 Related Costs	57,901
46K946 Management and Administration	<u>22,924</u>
	Total: \$9,900,000

- b. Transfer appropriations from Fund XXX/46, FY12 and FY13 Securing the Cities, to the General Fund as reimbursement for FY 2012 and 2013 Securing the Cities expenditures, as follows:

<u>Fund/Dept No.</u>	<u>Account Title</u>	<u>Amount</u>
From: XXX/46	46K146 Mayor's Office Salaries	\$163,887
XXX/46	46K170 LAPD Salaries	369,600
XXX/46	46K138 LAFD Salaries	<u>64,400</u>
	Total:	\$597,887

<u>Fund/Dept No.</u>	<u>Account Title</u>	<u>Amount</u>
To: 100/46	1020 Grant Reimbursed Salaries	\$163,887
100/70	1092 Overtime Sworn	369,600

100/38 1098 Overtime Variable Staffing 64,400
\$597,887

- c. Transfer up to \$57,901 from Fund XXX/46, FY12 and FY13 Securing the Cities, Account 46K299, to the General Fund 100/46, Revenue Source Code 5346, for reimbursement of grant funded fringe benefits.
 - d. Expend and receive funds upon presentation of documentation and proper demand by the Mayor's Office of Homeland Security and Public Safety to reimburse the City and partner jurisdictions for approved FY 2012 and 2013 Securing the Cities grant expenditures.
 - e. Transfer cash from Fund XXX/46 to reimburse the General Fund, on an as-needed basis, upon presentation of proper documentation from the Los Angeles Police Department (LAPD), Los Angeles Fire Department (LAFD), LAWA, POLA, and the Office of the Mayor, subject to the approval of the Mayor's Office of Homeland Security and Public Safety.
4. AUTHORIZE the Mayor, or designee, to prepare Controller's 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 this action will not impact the General Fund. Approval of the above recommendations will provide allocations to various City departments and Los Angeles Securing the Cities Primary Participants totaling \$9,900,000 from the FY 2012 and 2013 Securing the Cities grant award. The above recommendations are in compliance with City financial policies in that all grant eligible costs are fully covered by grant funds.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

ITEM NO. (8)

[13-0046](#)

PLANNING AND LAND USE MANAGEMENT and BUDGET AND FINANCE COMMITTEES' REPORT relative to the functional transfer of development services programs of multiple City departments to create a new development services department.

Recommendations for Council action, as initiated by Motion (Price - LaBonge):

- 1. REQUEST the City Attorney to postpone the preparation of Ordinances relative to a new development services department, as directed in Exhibit

H of the Fiscal Year 2013-14 Adopted Budget, until the Council has considered and acted on the pending joint City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) policy report relative to development services, including the related report from the management consultant.

2. DIRECT the CAO to report:

- a. Within two weeks on what actions need to be taken to ensure the Departments of City Planning, Building and Safety, Transportation, Fire, and Public Works, Bureau of Engineering can continue to provide development services through June 30, 2014 as separate departments and/or functions if implementation of the new department is delayed until Fiscal Year 2014-15.
- b. On any changes that need to be made to the management consultant contract scope of services or funding to address additional issues identified in Motion (Price - LaBonge), including but not limited to: 1) options other than consolidation that would improve the City's development process; 2) best practices of other large municipalities; 3) a cost benefit analysis, 4) pros and cons of consolidation; 5) other viable realignment options; and 6) an implementation timeline.

3. INSTRUCT the Departments of Planning, Building and Safety, Transportation, Fire, and Public Works, Bureau of Engineering to continue working with the CAO, CLA, Controller, City Attorney, and Personnel Department to implement Council policy relative to development reform.

Fiscal Impact Statement: The CAO and CLA report that there is no General Fund or Special Fund impact.

Community Impact Statement: Yes, Bel-Air Beverly Crest Neighborhood Council.

Adopted to Continue, Unanimous Vote (10) ; Absent: Buscaino , Cedillo , Fuentes , Huizar , Krekorian (5)

CONTINUED TO NOVEMBER 6, 2013

Items for which Public Hearings Have Not Been Held - (10 Votes Required for Consideration)

ITEM NO. (9)

[13-0650](#)

COMMUNICATION FROM CHAIR, PUBLIC WORKS COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to adding Subsections (g), (h) and (i) to Section 56.08 of the Los Angeles Municipal Code (LAMC) to add administrative penalties for failure to remove obstructions in the street or sidewalk.

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

PRESENT and ADOPT the accompanying ORDINANCE adding Subsections (g), (h) and (i) to Section 56.08 of the LAMC to add administrative penalties for failure to remove obstructions in the street or sidewalk.

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

Community Impact Statement: Yes

Support Proposal: Northridge West Neighborhood Council
North Hills West San Pedro Neighborhood Council

Adopted, (13) ; Absent: Buscaino , Fuentes (2)

ITEM NO. (10)

[13-1417](#)

CD 13

COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of JENNIFER HUDSON on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Jennifer Hudson at 6262 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (11)

[13-1418](#)

CD 13 COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of JANIS JOPLIN on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Janis Joplin at 6752 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (12)

[13-1416](#)

CD 13 COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of MARISKA HARGITAY on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Mariska Hargitay at 6328 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (13)

[13-1199](#)

CD 11 MITIGATED NEGATIVE DECLARATION and COMMUNICATION FROM CHAIR, PLANNING AND LAND USE MANAGEMENT COMMITTEE relative to an appeal filed for property located at 5450-5456 South McConnell Avenue and 12791 West Jefferson Boulevard.

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. 13-1199 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-2012-2905-MND] filed on April 26, 2013.

2. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC), including the Environmental Findings, as the Findings of the Council.
3. RESOLVE TO GRANT IN PART AND DENY IN PART THE APPEAL filed by Aliza Karney Guren on behalf of Mild Industries, Ltd. and Karney Management Company (Representative: John M. Bowman, Esq. - Elkins Kalt Weintraub Reuben Gartside, LLP) from the entire determination of the LACPC, THEREBY APPROVING a Conditional Use Permit to allow a public school in the M2-1 zone, subject to modified Conditions of Approval approved by the Planning and Land Use Management Committee and attached to Council file No. 13-1199, for the proposed construction of a public charter middle school within an existing two-story, 21,125 square foot office building on a 1.09 acre site, located at 5450-5456 South McConnell Avenue and 12791 West Jefferson Boulevard.
4. ADVISE the applicant that, pursuant to:
 - a. California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
 - b. State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Applicant: Akil Manley, Green Dot Public Schools
Representative: Gerry Hernandez, David Moss and Associates

Case No. CPC-2012-2904-CU

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 23, 2013

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 22, 2013)

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (14)

[13-1373](#)

COMMUNICATION FROM CHAIR AND MEMBER, BUDGET AND FINANCE COMMITTEE relative to rating agency reports regarding pension funding.

Recommendation for Council action:

DIRECT the City Administrative Officer (CAO) to report to the Executive Employee Relations Committee on additional strategies to control pension costs.

Fiscal Impact Statement: The CAO reports that the financial impact of the retiree healthcare litigation will be addressed upon the conclusion of that case.

Community Impact Statement: None submitted.

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (15)

[13-0600-S145](#)

COMMUNICATION FROM CHAIR AND MEMBER, BUDGET AND FINANCE COMMITTEE relative to the Controller's Preliminary Financial Report for Fiscal Year (FY) 2012-13.

Recommendation for Council action:

NOTE and FILE the Controller's Preliminary Financial Report on the City's financial operations for FY 2012-13.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Adopted, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (16)

[11-0511-S2](#)

CD 11

CATEGORICAL EXEMPTION and COMMUNICATION FROM THE BOARD OF AIRPORT COMMISSIONERS relative to the proposed first amendment to the Amended and Restated Terminals Facilities Lease and License Agreement with Delta Air Lines for space in Terminals 5 and 6 at Los Angeles International Airport (LAX).

Recommendations for Council action:

1. ADOPT the determination by the Board of Airport Commissioners (Board) that the proposed action is exempt under the California Environmental Quality Act (CEQA) as provided in Article III, Section 1(18)(c) of the Los Angeles City CEQA Guidelines. The renovation work contemplated by Delta Air Lines is also exempt under Article III, Class 1(a)(1) as it involves the interior or exterior alterations involving remodeling or minor construction where there is negligible or no expansion of use.
2. APPROVE the first amendment to the Amended and Restated Terminals Facilities Lease and License Agreement with Delta Air Lines.
3. CONCUR with the Board's action of September 17, 2013 by Resolution No. 25243 authorizing the Executive Director to execute the first amendment to the Amended and Restated Terminals Facilities Lease and License Agreement with Delta Air Lines for space in Terminals 5 and 6 at LAX.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the first amendment to the Terminal Facilities Lease and License Agreement with Delta Airlines, Inc. will result in first-year rental revenues to Los Angeles World Airports (LAWA) of \$30 million; approximately \$217.1 million in renovations and improvements made by Delta Airlines to Terminals 5 and 6 at LAX, \$11,289,500 of which will be proprietary renovations to be paid by the airline; and approximately \$441,250,000 in revenue to LAWA over the 12-year term of the lease. As a consequence of the above, LAWA is requesting that the Board allocate a not-to-exceed amount of \$223,650,000 from the LAX Revenue Fund to Work Breakdown Structure (WBS) Element 1.12.02-700 (Terminal 5 Delta Renovations) as needed to reimburse Delta Airlines and/or provide rental credits for Terminal 5 renovations. This project and the proposed first amendment to Amended and Restated Terminal Facilities Lease and License Agreement LAA-4983 comply with the Department of Airports adopted Financial Policies. Approval of the Terminal Facilities Lease and License Agreement and the Settlement Agreement will have no impact on the Department's Operating Budget or the City's General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 21, 2013

(LAST DAY FOR COUNCIL ACTION – NOVEMBER 20, 2013)

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

Motion, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

ITEM NO. (17)

[13-0930](#)

MOTION (KORETZ - MARTINEZ) relative to amending prior Council action of July 30, 2013 regarding the Latina Lawyers Bar Association.

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

AMEND prior Council action of July 30, 2013 to reduce the amount of the transfer in that action from \$346 to \$116 and to delete the transfer of \$230 to Account No.1090 (Salaries - Overtime).

Adopted, (11) ; Absent: Buscaino , Fuentes , Huizar , Krekorian (4)

ITEM NO. (18)

[12-0968-S2](#)

MOTION (PARKS - BUSCAINO) relative to amending prior Council action of May 15, 2013 regarding the Vermont Avenue Retail Business Facade Improvement Program.

Recommendation for Council action:

AMEND prior Council action of May 15, 2013 to indicate that funds deposited into the "Vermont Avenue Retail Business Facade Improvement Program" account may be used to provide grants of up to \$100,000 to retail businesses for making minor facade improvements on Vermont Avenue between Adams Boulevard and Exposition Boulevard.

Adopted - FORTHWITH, (11) ; Absent: Buscaino , Fuentes , Huizar , Krekorian (4)

Closed Session

ITEM NO. (19)

[13-1256](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the patent infringement dispute and settlement negotiation with FSX Equipment, Inc.

(Innovation, Technology and General Services Committee and Budget and Finance Committee considered the above matter in Closed Session on October 22, 2013 and October 28, 2013, respectively.)

ADOPTED

MOTION (ENGLANDER - BLUMENFIELD)

APPROVE and AUTHORIZE the City Attorney to execute the proposed settlement agreement of the above-entitled matter with the following terms:

A. Within 60 days of executing the proposed settlement agreement (by both parties) FSX would:

- 1. Pay one lump-sum of \$40,500.00 to the City.**
- 2. License back to the City a royalty-paid up, limited, non-commercial, internal, nontransferable, non-exclusive license to practice the patented invention for the term of the '453 Patent.**
- 3. Make an in-kind payment of \$47,000.00 in the form of one DPF Cleaning Package plus consultation support for installation and start-up of the DPF Cleaning Package.**
- 4. Be responsible for all future maintenance fees and surcharges paid to the U.S. Patent Office on this patent (currently up to approximately \$14,000.00).**
- 5. Indemnify the City against claims arising out of the defense or enforcement of the '453 Patent.**

B. In exchange, the City will:

- 1. Pay for the shipping of the DPF Cleaning Package from FSX to the City; estimated to be \$861.74 (2800 lbs).**
- 2. Assign to FSX all rights and interest in the '453 Patent.**
- 3. Agree not to challenge the validity of the '453 Patent or assist any third party to do so.**
- 4. Assist FSX in enforcing the '453 Patent against third-party infringers, at no cost to the City.**

C. Both parties forever release and waive all current and future claims against each other in relation to this '453 Patent.

Adopted in Open Session - TO THE MAYOR FORTHWITH, (12) ; Absent: Buscaino , Fuentes , LaBonge (3)

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

13-0003-S3	Chris Shabel	O'Farrell - All Councilmembers
	Gerardo Hernandez	Bonin - All Councilmembers
	Sister Theresa Miranda	Parks

ENDING ROLL CALL

Blumenfield, Bonin, Cedillo, Englander, Huizar, Koretz, Martinez, O'Farrell, Parks, Price and President Wesson (11); Absent: Buscaino, Fuentes, Krekorian and LaBonge (4)

Whereupon the Council did adjourn.

ATTEST: Holly L. Wolcott, INTERIM CITY CLERK

By
Council Clerk

PRESIDENT OF THE CITY COUNCIL

Los Angeles City Council Agenda, **Supplemental Agenda**
November 5 2013

TUESDAY - JOHN FERRARO COUNCIL CHAMBER, ROOM 340, CITY HALL 200 NORTH
SPRING STREET, LOS ANGELES, CA 90012 - 10:00 AM

ROLL CALL

Approval of the Minutes

Items for which Public Hearings Have Not Been Held - (10 Votes Required for Consideration)

ITEM NO. (20)

[11-1020-S1](#)

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending Section 22.815 of the Los Angeles Administrative Code (LAAC) regarding Neighborhood Councils' checking accounts.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Section 22.815 of the LAAC regarding Neighborhood Councils' checking accounts.

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

Community Impact Statement: Yes.

Support Proposal: Glassell Park Neighborhood Council

(Education and Neighborhoods Committee waived consideration of the above matter)

Adopted to Continue, Unanimous Vote (11) ; Absent: Buscaino , Fuentes , Huizar , Krekorian (4)

CONTINUED TO NOVEMBER 19, 2013

ITEM NO. (21)

[13-1472](#)

CD 5 MOTION (KORETZ - BLUMENFIELD) relative to a lease agreement for office space located at 6380 Wilshire Boulevard, Suite 800, Los Angeles, California for a Council District Five field office.

Recommendation for Council action:

DIRECT the Department of General Services to negotiate and execute a lease agreement for office space located at 6380 Wilshire Boulevard, Suite 800, Los Angeles, California for a Council District Five field office, as substantially outlined in the subject Motion, with approval as to form and legality by the City Attorney.

Adopted, (11) ; Absent: Buscaino , Fuentes , Huizar , Krekorian (4)