

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

June 30, 2020

VIA EMAIL yhorton@cityofinglewood.org
aphillips@cityofinglewood.org

Yvonne Horton
City Clerk's Office
c/o Mayor and City Council
Inglewood Successor Agency, Inglewood
Housing Authority, Inglewood Parking
Authority, Joint Powers Authority
City of Inglewood
1 West Manchester Blvd.
Inglewood, CA 90301

VIA EMAIL
mwilcox@cityofinglewood.org
ibecproject@cityofinglewood.org

Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
1 West Manchester Boulevard, 4th Floor
Inglewood, CA 90301

Re: Brown Act Violations; Cure and Correct Demand in Connection with City Council Meetings on June 9 and June 16, 2020 and Demand to Cease and Desist, Including Under Govt. Code § 54960.2; IBEC Project SCH 2018021056; Request to Include this letter in Record for IBEC DEIR

Dear Ms. Horton and City Officials:

Please include this letter in the administrative record for all the following actions:

- (1) The Inglewood Basketball and Entertainment Center (IBEC) SCH No. 2018021056;
- (2) General Plan Amendment 2020-001 (GPA 2020-001) and Categorical Exemption EA-CE-2020-036);
- (3) General Plan Amendment GPA 2020-002 and Categorical Exemption EA-CE-2020-037;
- (4) Creation of the Inglewood Transportation Management Community Services District; and

- (5) Adoption of the Parking Ordinance to Implement the Citywide Permit Parking Districts Program and respective changes to the Inglewood Municipal Code.

I. INTRODUCTION.

This firm and the undersigned represent Kenneth and Dawn Baines, owners of the property located at 10212 S. Prairie Ave., Inglewood, directly impacted by actions taken by the City of Inglewood City Council on June 9 and June 16, 2020.

We write to demand that the City of Inglewood, Inglewood City Council and above-referenced City bodies (collectively “City”) cure and correct their June 9, 2020 and June 16, 2020 violations of the Brown Act, which violations include: (1) failure to provide adequate descriptions of the actions to be taken; (2) failure to specify the CEQA action to be taken or considered; and (3) failure to ensure advance notice of and accessibility to the June 9, 2020 meeting to the public in light of the incorrect phone access code and technical issues with the calls.

As part of this cure and correct, we demand that the City invalidate all actions described herein and taken on June 9, 2020 and June 16, 2020, and particularly related to the approvals of the General Plan Amendments of Land Use and Environmental Justice Elements and their claimed CEQA exemptions; introduction/adoption of the Parking Ordinance and changes to the Municipal Code and their claimed CEQA exemption; and formation of the Inglewood Transportation Management Community Services District and its claimed CEQA exemption.

We also demand that the City withdraw the Notice of Exemption for the creation of the Inglewood Transportation Management Community Services District, filed with the County of Los Angeles on June 16, 2020.

In addition, we demand that the City cease and desist what has become an ongoing pattern and practice of Brown Act violations, particularly with regard to the IBEC Project, and that the City fully comply with the letter and spirit of the open meeting laws.

II. ONGOING PATTERN AND PRACTICE OF BROWN ACT VIOLATIONS.

The City has consistently engaged in a pattern and practice of misinforming the public about the true nature and scope of the proposed IBEC Project, as well as its required approvals.

The violations listed in this request join the myriad of prior Brown Act violations by the City, as referenced in our April 23, 2020 Brown Act Cease and Desist and Cure and Correct Letter and its Exhibits, which we incorporate by reference herein. (**Exh. 1** [April 23, 2020 Brown Act Cure and Correct Letter].)

III. FACTUAL BACKGROUND.

This letter addresses the City's Brown Act violations associated with the June 9, 2020 and June 16, 2020 City Council regular meetings and their agendas.

A. June 9, 2020 Agenda – Incorrect Agenda Notice of the Telephone Access Code and Failure to Ensure Accessibility of Public Comments as to All Agenda Items.

On June 5, 2020 at 8:28 pm, the City of Inglewood (City) posted its agenda for the City Council regular public meeting of June 9, 2020, which included several items of citywide significance: General Plan amendments (**PH-1** and **PH-2**), creation of the parking permit districts and adoption of the Parking Ordinance thereon (**O-1**), and resolution authorizing the submission of an application to the Local Agency Formation Commission for the County of Los Angeles. (**DR-2**). (**Exh. 2** [City Agenda Notices and June 9, 2020 Agenda].) Despite their vague, ambiguous and benign descriptions, all the noted items would ultimately result in significant or substantial deprivations of property for all Inglewood community, as more fully described in our substantive objections to those.

The City's June 9, 2020 agenda notice posted on June 5, 2020, however, provided an incorrect telephone access code, which was the only way people could make comments and directly address decisionmakers at the June 9, 2020 City Council meeting. The City provided the corrected code only at the June 9, 2020 meeting itself, long after the meeting began. This correction, however, was not and could not be accessible to those who had no access to internet (Facebook) or cable TV.

Further, the City's teleconferencing on June 9, 2020 – even with the late-corrected code – ultimately allowed only a few people to comment and failed to ensure that those few comments were audible and comprehensible to other listeners and to decisionmakers. Public objections to the incorrect agenda notice of the telephone access code, as well as the technical accessibility issues, were presented to the City *in real time* during the very

June 9, 2020 meeting and thereafter. (**Exh. 3** [June 9, 2020 Objection, Subsequent Requests, and Facebook comments].)

Despite public comments and staff acknowledgements of the incorrect advance notice of the access code and ensuing technical problems affecting public participation by phone, the City Council illegally proceeded with the June 9, 2020 meeting and took several actions.¹

B. June 9, 2020 Agenda – Failure to Provide a Brief Description of the Actions to Be Taken for ITMSCSD and Failure to List as an Action Item the CEQA Exemption Notice to Be Filed.

Govt. Code Section 54954.2(a)(1) requires that:

“(a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.”

The June 9, 2020 agenda failed to provide a clear, brief description of an item related to the IBEC Project: the formation of the ITMCSD. This agenda item’s description provided:

DR-2. PUBLIC WORKS DEPARTMENT

Staff report recommending adoption of a resolution authorizing the submission of an application to the Local Agency Formation Commission for the County of Los Angeles.

Documents:

DR-2.PDF

Nobody in the public reading the agenda could perceive the massive scope and effect of Agenda Item DR-2 based on the above vague agenda description; namely:

¹ Because of public comments, on June 16, 2020, the City staff recommended to re-notice only the General Plan Amendments adopted on June 9, 2020. (**Exh. 4** [June 16, 2020 Two Staff Reports to Reconsider the General Plan Amendments].) No other items and actions discussed and taken on June 9 were recommended for rescission.

- 1) The City Council’s approval was sought to file an application to the LAFCO to create a new citywide agency ITMCSD and to put the issue on the March 2021 ballot;
- 2) The new agency “ITMCSD’s jurisdictional boundary would be coterminous with the City boundaries and the members of the City Council would act as the members of the ITMCSD’s governing body”;
- 3) The ITMCSD will be able to acquire property and approve construction of transportation facilities and parking;
- 4) The City contemplates imposing certain assessments, fees or charges on the Inglewood population and pledging those to ITMSC, as well as transferring funds to ITMSC from the General Fund revenue;
- 5) The ITMSCD’s creation is interrelated with the events and traffic in the City anticipated in view of the SoFi stadium and the IBEC Arena; and
- 6) Upon the City Council’s approval of the recommended actions, the City would file a Notice of Exemption (which would commence the running of the statute of limitations for anyone to challenge the City’s actions). (Exh. 5 [June 9, Agenda DR-2 Staff Report].)²

Nothing in the agenda mentioned that the City’s application to LAFCO was linked to the creation of the new agency ITMSCD or that the new agency is specifically linked to the IBEC Project, is piecemealed from the latter, and is expressly provided under the Clipper’s IBEC Project’s AB-987 to further the IBEC project . Pub. Res. Code § 21168.6.8(a)(6) (“Transportation demand management program”).

Further, neither the Agenda nor the hyperlinked Staff Report’s list of Council actions (at p. 1) mentions anything about the CEQA exemption approval.

Yet, at p. 3, the Staff Report – which does **not** substitute for the requirement that the agenda give a brief description of all actions to be taken or approved – noted:

² We discovered the Staff Report to the June 9, 2020 Agenda Item DR-2 – and the listed information – only on June 18, 2020, after finding the City’s Notice of Exemption filed on June 16, 2020 with the Los Angeles County.

“ENVIRONMENTAL DOCUMENTATION:

The formation of the ITMCSD is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) and/or Section 15061(b)(3) (Common Sense Exemption) because the ITMCSD is proposed to be a subsidiary district with the same boundaries as the City. Upon the City Council’s approval of the recommended actions, a Notice of Exemption will be filed with the Los Angeles County Clerk in accordance with Section 21152 of the California Public Resources Code.” (Id.)

The City has since filed a Notice of Exemption for the creation of the ITMCSD with the County of Los Angeles on June 16, 2020. (**Exh. 6** [Notice of Exemption for ITMCSD].)

The City’s actions as described above and the failure of the agenda to describe these actions to be taken or approved violate the Brown Act. Rescission of these actions and re-noticing of them in accordance with the law is demanded.

C. June 9, 2020 and June 16, 2020 Agenda – Failure to Note CEQA Exemption for the Parking Ordinance in the Agenda Description.

The June 9, 2020 and June 16, 2020 City Council meeting agendas included Item O-1, which identically provided:³

ORDINANCES

O-1. PUBLIC WORKS DEPARTMENT

Staff report recommending the introduction of an Ordinance amending Chapter 3 of the Inglewood Municipal Code (IMC) to implement a Citywide Permit Parking Districts Program.

Documents:

O-1.PDF

³ See **Exh.5** [June 9, 2020 Agenda] and **Exh. 4** (June 16, 2020 Agenda).

The agenda item description did not mention the Ordinance's interrelatedness with the IBEC Project. Yet the parking permit districts are to regulate the parking needs in the City, with the advent of the Sofi Stadium and the Clipper's Arena IBEC Project and their events.⁴

Similarly, neither the June 9 nor June 16, 2020 agendas mentioned approval of CEQA exemptions for the Ordinance. Yet, the staff report for the June 16, 2020 agenda, which we discovered later, recited:

“This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; the permit parking program would not result in any physical changes to the environment, other than minor signage. The program is designed to reduce potential traffic and parking impacts to the residential neighborhoods by limiting the number of excessive non-resident vehicles parking in the area. At the City Council meeting of June 9, 2020, Ordinance 20-09 was introduced.”

IV. MISLEADING AND INADEQUATELY DESCRIBED AGENDA ITEM.

Govt. Code § 54954.2(a)(1) provides:

“At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a **brief general description of each item of business to be transacted** or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.” (Emphasis added.)

As stated by the District Attorney to the City Council in the District's Attorney's letter related to the IBEC Project:

⁴ The IBEC Project is proposed at the site which, pursuant to the 2015 initiative's plans approving the SoFi Stadium, had to accommodate SoFi's overflow parking needs. Thus, the IBEC Project, which is presently before the City, is solely responsible for the parking shortage at both SoFi and IBEC. (Exh. 7 [Infeasibility Study].)

“The Brown Act, in Government Code section 54954.2(a)(1), requires that a local agency “post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.” That section further states, “A brief general description of an item generally need not exceed 20 words. “Courts have held that although the description need not include every detail of a matter, it must be **sufficient** to give the public “fair notice of the **essential nature of what** an agency will consider,” and not leave the public “to **speculation.**” (*San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal. App. 5th 637, 645; *San Joaquin Raptor Rescue Center et al. v. County of Merced et al.* (2013) 216 Cal. App. 4th 1167, 1178.)” (**Exh. 1**, *emph. added*)

Moreover, the agenda description must not be misleading. The brief description of an item that the City will consider or deliberate on cannot be ambiguous or misstate the item under discussion. *Moreno v. City of King* (2005) 127 Cal App 4th 17 (an item on the agenda describing consideration of contract for Interim Finance Director was not sufficient notice of actually considering the termination of the sitting Finance Director).

The City Council’s agendas of June 9, 2020 and June 16, 2020 failed to comply with the Brown Act’s brief description requirement, in violation of Govt. Code Section 54954.2(a)(1), in that they failed to provide an adequate description of the agenda item and sufficient public notice of the essential nature of what the agency would not only consider but also act upon.

In particular, the June 9, 2020 Agenda failed to provide a complete list of actions the City Council would take upon voting on the Agenda Item DR-2 associated with the creation of a new agency, ITMCSD. The June 9, 2020 agenda description for DR-2 did not even identify ITMCSD and described the agenda item vaguely and ambiguously as “Staff report recommending adoption of a resolution authorizing the submission of an application to the Local Agency Formation Commission for the County of Los Angeles.” (**Exh. 5**, *supra.*) The City’s conduct recalls the Court of Appeal’s admonition against “transparent prevarication.” *Roddenberry v. Roddenberry* (1996) 44 Cal.App.4th 634, 654. The June 9, 2020 Agenda also failed to note that the creation of the new agency ITMCSD was related to the IBEC Project currently before the City and is a part of it, pursuant to AB-987. The description therefore misled the public as to the action’s full scope and effect and foreclosed informed public comments.

Similarly, the June 9, 2020 agendas failed to note the interrelatedness of the introduced and adopted Parking Ordinance and Municipal Code changes with the IBEC Project. This nexus was ambiguously shown in the staff report – outside of the agenda description – tying the ordinance not only to the IBEC Project, but also to SoFi and MSG Forum.

As a result, the public was misled and left to speculate about the essential nature of the items that the City would consider and the effect of the City Council’s actions, both individually and cumulatively with the IBEC Project. This deprived the public of notice of the magnitude of changes the City contemplates to further the IBEC Project, which in turn, deprived the public of the ability to be adequately appraised not only of the scope of the very adopted actions, but also the full impact of the related IBEC Project on Inglewood and its community, and to require adequate mitigation measures before the Project is approved.

For the scope of both actions, please see Sec. III, supra (Factual Background).

V. INADEQUATELY DESCRIBED AGENDA ITEM OF ADOPTING CEQA EXEMPTION FINDINGS.

The Brown Act’s “brief general description of each item of business to be transacted or discussed at the meeting” under Govt. Code § 54954.2(a)(1) includes the agency’s proposed CEQA approvals, including CEQA exemptions. This issue was litigated and confirmed by the Los Angeles County Superior Court in a 2008 case against the City of Los Angeles, which held:

“The Planning Commission is also commanded to **identify the CEQA actions as actions** that it has been requested or that it proposes to take at the meeting. The Planning Commission is also to be commanded **not to take** any action or **discuss** any item under **CEQA** that is not described with the clarity, particularity, and **detail** herein **ordered**. Petitioners are also entitled to a judgment that declares that the method that has been used to describe CEQA actions to be taken or discussed at Planning Commission meetings is unlawful and is to be discontinued.” (Exh. 8, pp. 3-4 [Peremptory Writ, 2008; LASC No. BS108652].)

The Court’s ruling pertaining to Planning Commission meetings is all the more applicable to the ultimate elected decisionmaker City Council’s actions here.

The June 9, 2020 Agenda Item DR-2 failed to note the CEQA exemption for the proposed action of creating the new agency ITMCSD. Nonetheless, on June 16, 2020, the City filed the Notice of Exemption for the ITMCSD. This and all other actions complained of in this cure and correct letter must be rescinded.

Similarly, the June 9 and June 16, 2020 Agenda Item O-1 failed to note the City Council's approval of a CEQA exemption for the proposed action of adopting the Parking Ordinance and Municipal Changes, which would impose new administrative and financial burdens on the disadvantaged low income residents of Inglewood to secure parking permits for a fee, would limit the number of parking spaces per household regardless of the number of household members, and would not even guarantee adequate parking spaces on the street when members of the public acquire parking permits.

The City's failure to include notice of the proposed adoption or approval of CEQA exemption on the agendas for June 9 and 16, 2020 violates the Brown Act and deprives the public from having its statutory and constitutional rights to be fully apprised of the essential nature of the items adopted or even discussed during the meeting.

VI. FAILURE TO PROVIDE PROPER ADVANCE NOTICE OF THE ACCESS CODE AS WELL AS ACCESSIBILITY TO ENABLE PUBLIC PARTICIPATION ON JUNE 9, 2020.

The Brown Act requires advance notice and accessibility to ensure the public can address the decisionmakers directly before actions are taken:

“(a) Every **agenda** for regular meetings shall provide an **opportunity** for members of the public to **directly address** the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that **no action shall** be taken on any item **not appearing** on the **agenda** unless the action is otherwise authorized by subdivision (b) of Section 54954.2.” Govt. Code § 54954.3(a):

Because of the COVID-19 pandemic, and pursuant to the March 17, 2020 Executive Order N-29-20, California waived all requirements in the Brown Act related to “physical” presence of the public at public meetings, yet preserved the noticing and accessibility requirements to the public. The Order states, in pertinent parts:

“Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) **Advertise** that procedure **each time notice** is given of the **means** by which members of the public may observe the meeting and **offer public comment**, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give **advance notice** of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In **each instance in which notice of the time of the meeting** is otherwise given or the agenda for the meeting is otherwise posted, **also give notice** of the means by which members of the public may observe the meeting and **offer public comment.**” (Exh. 9, emph. added [Executive Order N-29-20].)

The June 9, 2020 meeting was noticed as a teleconference meeting. Govt. Code § 54953(b)(3) requires: “If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects **the statutory and constitutional rights** of the parties or the public appearing before the legislative body of a local agency.” (Emph. added.)

It also states: **“The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.”** (Emph. added.)

Thus Govt. Code § 54953 incorporates by reference Section 54954.3’s guarantee of a right to address the legislative body during a teleconference meeting.

However, the City’s June 9, 2020 agenda provided an incorrect access code for the public to offer comments, which was the only way the public could participate in the meeting, beyond passively observing the meeting on Facebook or cable TV. The City’s publication of the wrong access code to offer public comments in the June 9, 2020 agenda, which could not have been known until the time of the meeting, the immediate objections of many speakers for many items of business on the agenda, the immediate email objection of The Silverstein Law Firm, and the failure to halt the meeting and give proper re-notice was not only a denial of public speaking rights guaranteed by Section 54954.3 as incorporated into Section 54953(b)(3), but also violation of the constitutional speaking rights of all property owners and tenants whose rights would have been affected by the City.

Apart from the incorrect access code, the City’s late-corrected access code did not provide the public the chance to comment in view of the technical interruptions, the City’s incorrect instructions regarding which numbers to press to “raise your hand” for comments, as well as the background noise during the few comments. Facebook comments – during the June 9, 2020 hearing – evidence the extent of public deprivation of participation in real time.⁵

In fact, on June 9, 2020, the City took significant actions affecting all residents in Inglewood, including but not limited to: (1) amendments to the General Plan Land Use Element; (2) amendments to the General Plan Environmental Justice Element; (3)

⁵ We note that public comments are also limited by the City Council’s choice to hold the public hearing at 2 p.m., which precludes or severely limits participation of the working adult population of Inglewood during work hours and further limits such public participation to a few people who cannot participate other than by phone (for lack of computer, internet, or computer/web skills). Therefore, the Facebook comments do not represent the voices of those who attempted to listen to and/or make comments at the public hearing by phone and yet failed to do so, due to the incorrect access code provided in the agenda.

formation of the Inglewood Transportation Management Community Services District – a new agency, with the power to acquire property and receive funding from the City’s tax revenues and assessments; (4) introduction of the Parking Ordinance, later adopted on June 16, 2020.

Of all the listed actions, to date, the City staff has recommended the rescission of only the General Plan amendments. The City’s rescission of the actions taken on those dates is paramount. If it does not cure and correct, litigation will ensue.

The City’s actions: (1) deprived the public of their statutory and constitutional rights to speak, (2) prejudiced a number of people who were actually denied the ability to speak despite the City’s knowledge from Facebook posts and emails that the system and access code was not working properly; and (3) prejudiced a number of people who – for lack of cable TV, computer, internet, or computer skills – relied solely on public participation by phone but were unable to participate or even listen to the proceedings because of the incorrect telephone code in the agenda notice.

We hereby demand the rescission and nullification of all June 9, 2020 actions, including but not limited to the General Plan amendments and the formation of the ITMCSD. Derivatively, we demand that the City withdraw its filed CEQA Notice of Exemption for the formation of the ITMCSD, as that was adopted or approved in violation of the Brown Act. Also, to the extent the June 16, 2020 Parking Ordinance was introduced on June 9, 2020, when the public was deprived of the ability to participate or address decisionmakers about the item, we demand rescission of the introduction and later adoption of the Parking Ordinance on that ground as well.

VII. CONCLUSION.

The City must cure and correct these Brown Act violations by: (1) rescinding the June 9, 2020 approvals of the General Plan Amendments; (2) rescinding the June 9, 2020 approval of the ITMCSD; (3) rescinding the June 16, 2020 approvals related to the adoption of the Parking Ordinance; and (4) withdrawing the Notice of Exemption for the creation of the ITMCSD filed on June 16, 2020 with the County of Los Angeles.

//

//

If we do not receive a positive and fully corrective response from the City, it will be necessary to initiate litigation to set aside the City Council's illegal actions and/or to seek declaratory and injunctive relief to bring the City's practices into conformity with the law. Thank you for your courtesy and prompt attention to this matter.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl
Encls.

cc: James T. Butts, Jr, Mayor (via email jbutts@cityofinglewood.org)
George W. Dolson, District 1 (via email gdolson@cityofinglewood.org)
Alex Padilla, District 2, (via email apadilla@cityofinglewood.org)
Eloy Morales, Jr., District 3 (via email emorales@CityofInglewood.org)
Ralph L. Franklin, District 4 (via email rfranklin@cityofinglewood.org)
Wanda M. Brown, Treasurer (via email wbrown@Cityofinglewood.org)
Artie Fields, Executive Director (via email afields@Cityofinglewood.org)
Kenneth R. Campos, City Attorney (via email kcampos@cityofinglewood.org)
Bruce Gridley, City Attorney (via email bgridley@kbblaw.com)

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 1

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

April 23, 2020

VIA EMAIL yhorton@cityofinglewood.org

Yvonne Horton
City Clerk's Office
c/o Mayor and City Council
Inglewood Successor Agency, Inglewood
Housing Authority, Inglewood Parking
Authority, Joint Powers Authority
City of Inglewood
1 West Manchester Blvd.
Inglewood, CA 90301

VIA EMAIL

mwilcox@cityofinglewood.org
ibecproject@cityofinglewood.org

Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
1 West Manchester Boulevard, 4th Floor
Inglewood, CA 90301

Re: Brown Act Violations; Cure and Correct Demand in Connection with
Public Meeting on March 24, 2020 and Demand to Cease and Desist,
Including Under Govt. Code § 54960.2; IBEC Project SCH 2018021056,
and Request to Include this letter in Admin Record for IBEC DEIR

Public Records Act Request for March 24, 2020 Council's Closed Session
Audio/Video Recording and Notes, Minutes, Records.

Dear Ms. Horton and City Officials:

I. INTRODUCTION.

This firm and the undersigned represent Kenneth and Dawn Baines, owners of the property located at 10212 S. Prairie Ave., Inglewood, directly impacted by actions taken by the City of Inglewood Council on March 24, 2020.

We write to demand that the City of Inglewood, Inglewood City Council and above-referenced City bodies (collectively "City") cure and correct their March 24, 2020 violations of the Brown Act, which violations include taking action on items not duly listed on the regular meeting agenda of the City Council for March 24, 2020 in both the open and closed-door sessions, and further include depriving the public of the opportunity to adequately participate and comment on items by failing to produce copies

of the agreement(s) that the City approved and the Mayor signed at the March 24, 2020 meeting.

As part of this cure and correct, we demand that the City invalidate any actions taken on, and related to, the Mayor's signing of the settlement agreement(s), and take no further action unless and until a copy thereof is timely produced to the public, is subject to advance public comment at a properly noticed public hearing, and is included in the administrative record for the IBEC Draft EIR, as such actions by the Mayor and City have a direct bearing on the City's consideration of the IBEC Draft EIR.

We also demand that the City to produce records and documents of the March 24, 2020 closed session.

In addition, we demand that the City cease and desist what has become an ongoing pattern and practice of Brown Act violations, particularly with regard to the IBEC Project, and that the City fully comply with the letter and spirit of the open meeting laws.

II. ONGOING PATTERN AND PRACTICE OF BROWN ACT VIOLATIONS.

The City has consistently engaged in the pattern and practice of misinforming the public about the true nature and scope of the proposed IBEC Project, as well as its required approvals. The City's actions have been previously criticized and challenged on those grounds. (See, e.g., **Exh. 1** [IRATE Letter, March 21, 2018, with enclosures of IRATE's Complaint to the District Attorney on March 15, 2018], incorporated in full herein.)

In response to IRATE's complaint and as a result of an ensuing investigation, the District Attorney concluded: "It should be noted that the deficiency of the agenda description appears to have been part of concerted efforts between representatives of the city and the Murphy's BOWL LLC to limit the notice given to the public." (**Exh. 2** [DA Letter of May 17, 2019].)

Unable to prosecute the City Council and all related persons solely because of the statute of limitations that had run, the District Attorney expressed hope that the City Council would correct their actions:

"Violations relating to the agenda description of an item of business could render action by the city council null and void. However, because the complaint was received after the time limits to remedy the violation, no action will be taken at this time. Nonetheless, we sincerely hope that this letter will assist the city council in ensuring

that such violations will not recur in the future.” (Id. [DA Letter of May 17, 2019].)

The District Attorney’s hope and the public’s trust were abused by the City’s violations on March 24, 2020, as further detailed below.

III. FACTUAL BACKGROUND.

On March 24, 2020 – a week after California Governor issued a stay-at-home order applicable to everyone and all non-essential services, and when the public could no longer physically participate in public meetings – the City Council held a meeting related to the Clipper’s Inglewood Basketball Entertainment Center Project and effectively sealed the fate of the Inglewood community to endure the IBEC Project’s 41 adverse environmental impacts. (**Exhs. 3 & 4** [NRDC Letter, March 24, 2020 and California Legislature Letter, June 28, 2019].)

In particular, the City Council convened:

- (1) In closed session, to discuss the settlement of 4 ongoing lawsuits by MSG Forum and community group IRATE against the City related to the IBEC project and challenging the City on various grounds, including violations of the Brown Act, Surplus Land Act, and CEQA, and
- (2) In open session, to sign an *unspecified* settlement or “tri-party agreement” or “one or more agreements” with MSG, IRATE, Clippers, City Hall and other *unidentified* people.

Unlike other items on the agenda, the noted “tri-party agreement” was not hyperlinked to or in the agenda. It was not available at the hearing. (**Exh. 5** [Daily Breeze Article re mayor signing of the settlement agreement: “The Inglewood City Council approved the settlement at its meeting Tuesday. Butts, smiling ear to ear, paused the agenda so he could sign the document immediately. A copy of the agreement was not available Tuesday.”]) As of April 23, 2020 – nearly a month after it was signed – the agreement is still not linked to the agenda, or available online or elsewhere that we can determine. It was not readily available to the public even through the City Clerk’s office, which – upon requests for same – had to search for it, but still has not produced it through the present time. (**Exh. 6** [emails requesting Settlement Agreement; no responses from the City to multiple requests].)

The City’s actions on March 24, 2020 in connection with both open and closed-door session items violated the Brown Act.

IV. MISLEADING AND INADEQUATELY DESCRIBED AGENDA ITEM.

As before, when it was established that the City conspired with Murphy's Bowl (the developer entity of the Clippers Arena) to limit the description of the agenda item to be considered by the City Council on June 15, 2017 "so it won't identify the proposed project," and agreed not to provide the "normal 72 hours" notice under the Brown Act¹ (see **Exh. 1** [IRATE's March 15, 2018 letter to the DA as part of Exh. 1]), the City's March 24, 2020 agenda failed to provide adequate description – beyond vague statements – of the settlement agreement(s) to be approved and actually signed. The Agenda stated:

A-2. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Consideration of and possible action on one or more agreements with MSG Forum, LLC; Inglewood Residents Against Taking and Evictions; Murphy's Bowl LLC; and, other entities and individuals in furtherance of a potential settlement of claims arising from the proposed development of, and CEQA review for, the Inglewood Basketball and Entertainment Center Project, as well as obligations of the landowner of the Forum*

Recommendation:

- Consider and Act on the following agreements:

- 1) Release and Substitution of Guarantor Under Development Agreement by and among MSG Forum, LLC, MSGN HOLDINGS, L.P., POLPAT LLC, and the City of Inglewood; and
- 2) Tri-Party Agreement by and among MSG Forum, LLC, MSG Sports & Entertainment, LLC, Murphy's Bowl LLC, and the City of Inglewood.

(**Exh. 7** [March 24, 2020 City Agenda].)

The description reflects another "concerted effort" by the City and Murphy's Bowl, as previously condemned by the District Attorney, to hide information from the public as to what exactly the agreements were that the Council would possibly act upon. The description does not specify either what those "one or more agreements" are, or who the "other entities and individuals" are. Moreover, the relevant documents were not available at the hearing and were not hyperlinked or provided with the agenda packet for the public to find out the missing information.

¹ The District Attorney concluded this was a Brown Act violation but could not prosecute because of the statute of limitations.

Most importantly, the description does not make clear that the settlement agreement(s) were related to the very same lawsuits discussed in the same day's closed session:

- MSG Forum, LLC v. City of Inglewood, et al.; Case No. YC072715;
- MSG Forum, LLC v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174710;
- Inglewood Residents Against Takings and Evictions v. City of Inglewood, et al.; Case No. B296760; and
- Inglewood Residents Against Takings and Evictions v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174709

This essential nexus between the closed session lawsuits and the subsequently signed settlement agreement(s) should have been disclosed and the description of the settlement agreement(s) should have plainly referenced, or even cross-referenced to the closed session item description, the lawsuits in order to be meaningfully informative to the public. Yet this essential information was concealed from the public. As stated by the District Attorney to the City Council in the District's Attorney's letter related to the IBEC Project:

“The Brown Act, in Government Code section 54954.2(a)(1), requires that a local agency “post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.” That section further states, “A brief general description of an item generally need not exceed 20 words. “Courts have held that although the description need not include every detail of a matter, it must be **sufficient** to give the public “fair notice of the **essential nature** of **what** an agency will consider,” and not leave the public “to **speculation.**” (*San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal. App. 5th 637, 645; *San Joaquin Raptor Rescue Center et al. v. County of Merced et al.* (2013) 216 Cal. App. 4th 1167, 1178.)” (**Exh. 2**, emph. added)

The City Council's agenda failed to comply with the Brown Act, Govt. Code Section 54954.2(a)(1), in that it failed to provide an adequate description of the agenda item and sufficient public notice of the essential nature of what the agency would not only consider but also act upon. As a result, the public was left to *speculate*.

Moreover, the agenda description must not be misleading. The brief description of an item that the City will consider or deliberate on cannot be ambiguous or misstate the item under discussion. Moreno v. City of King (2005) 127 Cal App 4th 17 (an item on the agenda describing consideration of contract for Interim Finance Director was not sufficient notice of actually considering the termination of the sitting Finance Director). Thus, apart from the vague and ambiguous description, compounded by failure to provide the actual settlement agreements to be signed (and which through today still have not been made publicly available, despite repeated requests [Exh. 6]), the agenda was also misleading, since the essential agenda items involving the City Council/Mayor's signing of the agreement(s) was misplaced and put at the end of the agenda, under the section of **"REPORTS – CITY ATTORNEY And/Or GENERAL COUNSEL."** Placing Action Items in Reports further denied fair notice to the public of the critical action the City would take.

The above-noted violations in vaguely listing the agenda items, coupled with the failure to provide the copy of the agreement(s), and misleading placement of the agenda item of signing a settlement agreement in the "report" section precluded fair notice to the public and frustrated public knowledge and participation, in violation of the Brown Act.

V. FAILURE TO PROVIDE A COPY OF THE SETTLEMENT AGREEMENT TO THE PUBLIC PRIOR TO THE CITY SIGNING IT.

Based on our information and the City's responses and lack thereof, the City Clerk has not made the settlement agreement(s) publicly available even as of the date of this letter. In any event, as of April 23, 2020, they were not placed in an active link to the relevant agenda (doing so now would be too late even if it were), and our requests for these critical documents have been entirely ignored. (Exh. 6.)

We further note that pursuant to Govt. Code Sec. 54954.3, the agenda must provide an opportunity for the public to address the legislative body before or during the legislative body's consideration of the item. Stated differently, apart from the fact that the agenda item was vaguely described, a person who listened to the City meeting (assuming they could even hear, given the City's terrible audio quality) and wanted to make a comment on the subject would have been precluded from doing so meaningfully because of the City's failure to produce for public review the settlement agreement(s) either prior to or even at the time of the March 24, 2020 meeting.

The City's failure to so provide a copy effectively precluded the public's right to be meaningfully informed about the agreement(s) to be signed and to address the

legislative body on that agenda item, prior to the City taking action on it, including the actual signing of the settlement agreement(s).

VI. VIOLATION OF THE CLOSED SESSION EXCEPTION UNDER THE BROWN ACT.

On the flipside, the City's agenda for the March 24, 2020 violated Govt. Code Section 54950 as it exceeded the scope of the closed session litigation exemption under Govt. Code Section 54956.9.

In particular, the agenda for the closed session provided:

“CS-1, CSA-5 & P-2.

Closed session – Confidential – Attorney/Client Privileged;
Conference with Legal Counsel regarding Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1); Name
of Cases: MSG Forum, LLC v. City of Inglewood, et al.; Case
No. YC072715; and MSG Forum, LLC v. City of Inglewood
as Successor Agency to the Former Inglewood
Redevelopment Agency, et al.; Case No. BS174710.

CS-2, CSA-6, & P-3.

Closed session – Confidential – Attorney/Client Privileged;
Conference with Legal Counsel regarding Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1); Name
of Cases: Inglewood Residents Against Takings and Evictions
v. City of Inglewood, et al.; Case No. B296760; and

Inglewood Residents Against Takings and Evictions v. City
of Inglewood as Successor Agency to the Former Inglewood
Redevelopment Agency, et al.; Case No. BS174709.”

It may be reasonably inferred that the closed session on the four (4) lawsuits filed by MSG and IRATE against the City and Murphy's Bowl involved settlement discussions of same. Such inference is supported by the fact that the parties in the noted four lawsuits were the same parties to the open session settlement “tri-partite” agreement, and the fact that noted lawsuits were stayed by the same parties through joint stipulations filed the day before on March 23, 2020.

While it is proper for the legislative body to discuss and/or adopt settlement agreements in closed session, it is unacceptable where, as here, such settlement pertains to significant policy changes that should have been the subject of discussion in open session, notwithstanding the provisions of the Brown Act that allow for discussion of pending litigation in closed session under Govt. Code Section 54956.9. See Trancas Property Owners Association v. City of Malibu (2006) 138 Cal.App.4th 172. In Trancas the Court held that the adoption in closed session of a settlement agreement that called for certain zoning actions violated the Brown Act because deciding to take those actions would normally be subject to the Brown Act's open meeting requirements. The court stated that whatever else Section 54956.9 permits, "the exemption cannot be construed to empower a city council to agree to take, as part of a non-publicly ratified litigation settlement, action that by substantive law may not be taken without a public hearing and an opportunity for the public to be heard." Id. at 186.

The settlement agreement in the subject City Agenda was described as pertaining to "claims arising from the proposed **development** of, and **CEQA review** for, the Inglewood Basketball and Entertainment Center Project." (Emph. added.) It is undisputed that CEQA review of an EIR – especially that of the controversial IBEC Project with 41 adverse environmental impacts – is required to be an explicitly public process. Hiding discussion of "CEQA review"-related issues behind closed door sessions and vague agenda descriptions violates that principle.

As our Supreme Court has stated:

"We have repeatedly recognized that the EIR is the 'heart of CEQA.' [Citations.] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" [Citations.] To this end, public participation is an 'essential part of the CEQA process.' [Citations.]" Laurel Heights Improvement Assn. v. Regents of Univ. of California (1994) 6 Cal. 4th 1112, 1123.

The Brown Act, Govt. Code Sec. 54950, provides:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their **actions be taken openly** and that their **deliberations be conducted openly**."

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (Emph. added.)

Govt. Code Sec. 54952.2 defines meetings and disclosure mandates broadly. As the Attorney General has explained:

“In construing these terms, one should be mindful of the ultimate purposes of the Act – to provide the public with an opportunity to monitor and participate in decision-making processes of boards and commissions. . . . Conversations which advance or clarify a member’s understanding of an issue, or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications which contribute to the development of a concurrence as to action to be taken by the legislative body.” The Brown Act: Open Meetings for Local Legislative Bodies, p. 12 (Cal. Atty General’s Office 2003).

Thus, the City’s deliberations and discussions about signing the settlement agreement(s) on the four lawsuits during the closed session and to effectively dispose of claims of public interest and concern requiring a public hearing (including CEQA issues) violated the overarching purposes of the Brown Act and its mandates for conducting the public’s business through open, non-occluded meetings and deliberations, including under Govt. Code Secs. 54950, 54952.2.

VII. CALIFORNIA PUBLIC RECORDS ACT REQUEST.

In view of the above-noted violations, where the Mayor and City improperly discussed the settlement agreement and related “CEQA review” issues and lawsuits during the closed session instead of in the open session as required by law, we request that the City provide the audio and video recordings of that closed session, as well as any minutes, notes, or records made or exchanged by anyone present at the meeting re same.

This request is made under the California Public Records Act pursuant to Government Code § 6250, et seq.

Govt. Code § 6253.9(a) requires that the agency provide documents in their native format, when requested. Pursuant to that code section, **please also provide the requested documents in their native and electronic format.**

Because I am emailing this request on April 23, 2020, pursuant to Govt. Code Secs. 6253 and 6255, please ensure that your response is provided to us by no later than **May 3, 2020.**

VIII. DECLARATORY RELIEF FOR PATTERN AND PRACTICE VIOLATIONS.

Based upon the ongoing failure of the City and City Council to properly identify the agenda items in both the closed session and the open session and allow meaningful opportunity to the public to study, be informed and comment on City actions, including through the City's failure to provide copies of documents to the public that the City intends to act upon, particularly related to the IBEC project, and as to which the District Attorney has already recognized improprieties in the City's conduct, pursuant to Government Code Section 54960.2, this letter shall also be a **demand to cease and desist** the City's pattern and practice of violating the rights of members of the public in a similar manner. We also demand that the County agree to implement training of its officials and personnel to prevent these illegal actions from occurring in the future.

IX. CONCLUSION.

The City must **cure and correct** these Brown Act violations by rescinding the March 24, 2020 approval and signing of the settlement agreement(s) and by producing/circulating them to the public in advance of and as part of any future consideration of them and their potential signing, or regarding any other potential action related to them and/or regarding all IBEC project CEQA issues.

The City must also produce all video/audio and other records and or minutes and notes of the closed session held on March 24, 2020.

//

//

//

//

If we do not receive a positive and fully corrective response from the City, it will be necessary to initiate litigation to set aside the City Council's illegal actions and/or to seek declaratory or injunctive relief to bring the City's practices into conformity with the law. Thank you for your courtesy and prompt attention to this matter.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:vl

cc: James T. Butts, Jr, Mayor (via email jbutts@cityofinglewood.org)
George W. Dolson, District 1 (via email gdolson@cityofinglewood.org)
Alex Padilla, District 2, (via email apadilla@cityofinglewood.org)
Eloy Morales, Jr., District 3 (via email emorales@Cityofinglewood.org)
Ralph L. Franklin, District 4 (via email rfranklin@cityofinglewood.org)
Wanda M. Brown, Treasurer (via email wbrown@Cityofinglewood.org)
Artie Fields, Executive Director (via email afields@Cityofinglewood.org)
Kenneth R. Campos, City Attorney (via email kcampos@cityofinglewood.org)
Bruce Gridley, City Attorney (via email bgridley@kbblaw.com)

EXHIBIT 1

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522



Chatten-Brown & Carstens LLP

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com

Direct Dial:
310-798-2400 Ext. 1

March 21, 2018

By email and Overnight Mail

Mindy Wilcox,
AICP, Planning Manager
City of Inglewood, 4th Floor
1 Manchester Boulevard
Inglewood, California 90301
mwilcox@cityofinglewood.org

Re: Comments on Notice of Preparation of Draft Environmental Impact Report
for the Inglewood Basketball Entertainment Center

Dear Ms. Wilcox:

On behalf of Inglewood Residents Against Takings and Evictions (IRATE), we submit the following comments on the Notice of Preparation of an environmental impact report (EIR) for the Inglewood Basketball Entertainment Center (Proposed Project).

A. The ENA Must Be Rescinded Prior to Consideration of the EIR.

As an initial matter, we again call upon Inglewood to rescind its August 2017 approval of the Exclusive Negotiating Agreement (ENA) with Murphy's Bowl LLC that has locked Inglewood into refusing to consider any alternative uses of the Project site for at least three years.¹

The NOP claims that the EIR will identify and evaluate a range of reasonable alternatives to the Proposed Project, including a No Project Alternative (Guidelines section 15126.6). However, Inglewood, along with its associated redevelopment and parking entities, through the ENA has already committed itself to refuse to consider alternatives during the three year exclusive negotiating period.

The ENA explicitly states: "During the Exclusive Negotiating Period and the sixty (60) day period referred to in Section 22 below, the Public Entities ... shall not negotiate with or consider any offers or solicitations from, any person or entity, other than the

¹ IRATE seeks a writ of mandate from the Los Angeles Superior Court to require Inglewood to set aside the ENA in *Inglewood Residents Against Takings and Evictions v. Inglewood*, case no. BS 170333.

Developer, regarding a proposed DDA [Development and Disposition Agreement] for the sale, lease, disposition, and/or development of the City Parcels or Agency Parcels within the Study Area Site.” (ENA, section 2 (a).) With the ENA in place, Inglewood would not in good faith be able to fully consider a range of alternatives as required by CEQA. Instead, its EIR review would become a post-hoc rationalization for a decision to approve the Proposed Arena Project which has already been made. Courts have expressly condemned such a use of an EIR:

A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding *whether* to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post-approval environmental review were allowed, EIR’s would likely become nothing more than *post hoc* rationalizations to support action already taken. We have expressly condemned this use of EIR’s.

(*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.)

B. Alternatives to the Arena Project Must Be Analyzed in Depth in the EIR.

While an environmental impact report is “the heart of CEQA”, the “core of an EIR is the mitigation and alternatives sections.” (*Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (CEQA Guidelines § 15002 subd. (a)(3).)

1. A Potential Rezone of the Lockhaven Tract Back to Its Original Residential Zoning Should be Analyzed.

Alternative uses of the parcels throughout the Project area are possible, including for housing. The proposed project area, also known as the northern portion of the Lockhaven Tract, was formerly zoned as R-3 until 1980. Then it was changed to M1-L for limited manufacturing. There are people living in the northern portion of the Lockhaven Tract currently, including people receiving Section 8 housing vouchers. If the area is rezoned to a residential type of zoning as it was in 1980 and before, the vacant lots could be used for affordable housing.

From the NOP, it is apparent that one or more zone changes would be required as part of the Proposed Project approvals. (NOP, p. 5 [“Zoning Changes” listed among “Anticipated Entitlements and Approvals”].) Therefore, the alternative of changing zoning to R-3 or some other type of residential zoning should be analyzed in the EIR.

2. The Potential for Usage of the Area for a Technology Park Must be Analyzed.

There was discussion of a Technology Park to be placed on the parcels, and that would be a potentially feasible alternative well worth analysis in the EIR. (<https://www.dailybreeze.com/2018/03/06/owners-of-the-forum-sue-inglewood-its-mayor-for-fraud-over-potential-clippers-arena/>.) The area's current M-1L zoning allows for extensive uses such as hotels, warehousing, and retail sales. (<https://www.qcode.us/codes/inglewood/>.)

3. The Potential for Usage of the Area for Community Serving Uses Must be Analyzed.

The community group Uplift Inglewood has a detailed proposal for potential usage of the parcels for various parts of the project area which is posted at the following address: <https://www.upliftinginglewood.org/resources>.

The proposal includes a youth center, a day care senior center, a day care children center, a creative arts center, an environmental studies community center, a financial literacy center, a small business incubator center, office space, public art, public plazas, parks, courtyards, bikepaths, and sideswales. Because the parcels owned by the City, Successor Agency to the Redevelopment Agency, and the Parking District are public property, these public-serving ideas must be analyzed as part of the alternatives analysis.

4. Alternative Locations For the Arena Project Must Be Analyzed in the EIR.

Offsite alternatives are a key component of an adequate environmental analysis. An EIR must describe "a range of reasonable alternatives to the project, *or to the location of the project*, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines § 15126.6 subd. (a).) Therefore, in addition to considering onsite design alternatives for the Proposed Arena Project, the EIR must also consider the possibility of relocating the Proposed Project elsewhere in a location that could have fewer adverse environmental impacts.

C. The Large Arena Project Would Have Extensive Environmental Impacts

The proposed Project would include a professional basketball arena consisting of approximately 18,000 to 20,000 seats as well as related landscaping, parking and various other uses such as a practice facility, team offices, a sports medicine clinic, restaurants, and retail uses. In addition to the 2-5 preseason, 41 regular season and 16 possible postseason games played by the Clippers, the project would include an additional 100-150 or possibly more events including concerts, family shows, conventions, and

Mindy Wilcox
City of Inglewood
March 21, 2018
Page 4

corporate or civic events. A project of this magnitude could have extensive impacts on the environment including impacts to air quality, traffic congestion, nighttime lighting, noise, etc.

D. The Public Must Be Involved With Proper Notice and Full Information.

We are very concerned that Inglewood must ensure it complies with the public participation requirements of the Brown Act, the California Environmental Quality Act, and other applicable legal requirements. We have contacted the District Attorney to express our concern that Inglewood has failed to appropriately comply by providing the public with inadequate notice and inadequate information to allow participation in Inglewood's review process. A copy of our letter to the District Attorney is attached. (Enclosure 1.) Press reports have underscored the public interest in the City's review process in published stories about the concerns. (Enclosures 2 and 3, "Documents Show How Inglewood Clippers Arena Deal Stayed Secret," KCET, Karen Foshay, March 15, 2018 and "In Possible Brown Act Violation, Inglewood Called Special Meeting to Minimize Public Involvement," March 17, 2018, Warren Szewczyk.)

Thank you for consideration of our views. We look forward to reviewing and commenting upon the Draft EIR. Pursuant to Public Resources Code section 21092.2, we request all future notices related to the Proposed Project.

Sincerely,



Douglas P. Carstens

Enclosures:

1. Letter of Chatten-Brown & Carstens to District Attorney dated March 15, 2018
2. "Documents Show How Inglewood Clippers Arena Deal Stayed Secret," Karen Foshay, March 15, 2018, posted at <https://www.kcet.org/shows/social-connected/documents-show-how-inglewood-clippers-arena-deal-stayed-secret>
3. "In Possible Brown Act Violation, Inglewood Called Special Meeting to Minimize Public Involvement," March 17, 2018, Warren Szewczyk, posted at <https://warrensz.me/in-possible-brown-act-violation-inglewood-called-special-meeting-to-minimize-public-involvement/>

Enclosure 1



Chatten-Brown & Carstens LLP

Hermosa Beach Office
Phone: (310) 798-2400

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 1

March 15, 2018

The Honorable Jackie Lacey
District Attorney
766 Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Re: Request for Investigation of Intentional Violations of the Brown Act by
City of Inglewood in Approving Exclusive Negotiating Agreement and
Arena Project

Dear District Attorney:

On behalf of the Inglewood Residents Against Takings And Evictions ("IRATE") we request that your office investigate Brown Act violations committed by the City of Inglewood¹ involving the proposed Clippers Arena Project in Inglewood. As evidenced in emails required to be produced by Court Order in *Inglewood Residents Against Takings And Evictions v. City of Inglewood*, counsel for the City and the project developer, Murphy's Bowl, agreed to limit the description of the item to be considered by the Council "so it won't identify the proposed project" and agreed not to provide the "normal 72 hours" notice under the Brown Act. The City and Murphy's Bowl collaborated, in violation of the Brown Act, to prevent the public from having a "fair chance to participate in matters" being considered by the City Council.

On June 15, 2017, the City held a special meeting. It is evident from emails between the City and Murphy's Bowl that there was ample time to provide the "normal 72 hours" notice as provided for by the Brown Act. (Attached as Enclosure 1 is a copy of the Special Meeting Agenda for the Inglewood City Council, the City of Inglewood as Successor Agency to the Inglewood Redevelopment Agency and the Inglewood Parking

¹ As explained below, the actions appear to have been taken on behalf of the City of Inglewood, the Successor Agency to the Inglewood Redevelopment Agency and the Inglewood Parking Authority. Therefore, references to "City" in this letter include the Successor Agency and the Parking Authority.

Authority). The Agenda stated the following item would be considered at the City's special meeting:

Economic and Community Development Department. Staff report recommending approval of an Exclusive Negotiating Agreement (ENA) by and among the City, the City of Inglewood as Successor Agency to the Inglewood Redevelopment Agency (Successor Agency), the Inglewood Parking Authority (Authority), and Murphy's Bowl LLC, a Delaware Limited Liability Company (Developer).

It is hard to imagine a less descriptive notice for a hearing to consider the development of an NBA arena for the Los Angeles Clippers on more than 80 acres of land that contemplated the use of eminent domain to take hundreds of residences and dozens of businesses, which would result in the eviction of hundreds (if not thousands) of residents as well as the loss of jobs. The ENA was explicit as to the possible use of eminent domain by the City to acquire people's homes and businesses. Properties containing homes, apartments and businesses were identified on a map attached to the ENA and designated for possible "acquisition...by eminent domain." Nowhere in the Agenda item is there a hint that people's homes and livelihood could be taken by the City and conveyed to Murphy's Bowl for the Clippers' arena.²

Nowhere in the Agenda notice do the words Clippers, NBA, basketball, or arena occur. Nowhere in the agenda does it even suggest the subject matter of the ENA. If a member of the public were able to figure out that the item somehow related to development, there is no indication of where this development might occur. There is no physical description of the area -- not a street name or intersection. The people in the community affected by this decision to "approve" the ENA had no clue what the City was considering.

We now know, because the City was ordered to produce the emails by the Court, that the City and Murphy's Bowl intentionally omitted this information from the Agenda.

We understand that the violation of the Brown Act is a serious matter so we do not make this request lightly. However, in light of evidence we have obtained as a result of a Court Order it is now clear that the City and Murphy's Bowl worked together to violate the Brown Act and frustrate its purpose.

² At later hearings on the scope of this Arena Project, the City reduced the area of eminent domain due to community protests.

I. THE CITY VIOLATED THE BROWN ACT ON JUNE 15, 2017 AND AFTERWARDS.

A. The City's Special Meeting Notice Was Designed to Minimize Public Notice of and Interest in the Substance of the Matter Under Consideration.

The Brown Act requires agenda drafters to "give the public a fair chance to participate in matters of particular or general concern by providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency." (*San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637, 643.) Contrary to this legal requirement, the City and the project developer, Murphy's Bowl, actively deprived the public of the most basic information about what the City Council would consider.

As noted above, the Agenda provided no meaningful information as to what was actually to be considered by the City Council, Successor Agency and the Parking Authority. The public had no way to know from the Agenda that these public entities would be considering a proposed new arena for the Clippers and possibly condemn and evict hundreds if not thousands of residents.

In connection with the June 15, 2017 hearing, we and others objected to clear Brown Act violations. We demanded that the City cease and desist from its efforts to defeat the public transparency purposes of the Brown Act. What we did not know at that time was that the violations of the Brown Act were the result of knowing collaboration between the City and Murphy's Bowl.

B. The City and the Clippers Organization Hid the Ball About What Was Being Proposed for Approval.

This past Monday, March 12, 2018, because of a Court Order in *Inglewood Residents Against Takings And Evictions v. City of Inglewood*, we received from the City's attorneys a disclosure of previously-withheld communications between the City and Murphy's Bowl. These communications provide clear evidence of "collaboration" by the City and Murphy's Bowl LLC to violate the Brown Act prior to the June 15, 2017 meeting. (Enclosure 2.)

On June 9, 2017, Chris Hunter, representing Muphy's Bowl, told Royce Jones, who was representing the City, that "Our entity [i.e., Murphy's Bowl LLC] *will have a generic name so it won't identify the proposed project.*" (Enclosure 2, page ING-251, emphasis added.) The name "Murphy's Bowl LLC," as stated by Mr. Hunter, was chosen to deprive the public of relevant information. As stated by Mr. Hunter, the development entity, "Murphy's Bowl," was so named so it would have a "generic name" that "won't

identify the proposed project." The email exchange shows that City officials actively participated in that misinformation campaign.

Mr. Steven Ballmer, owner of the Clippers professional basketball team for whom the Arena Project would be built, is the sole member of Murphy's Bowl LLC. (Enclosure 3 [page ING -285], Murphy's Bowl LLC formation papers.) Therefore, the effort by the City and Murphy's Bowl appears to have been designed to misinform the public about the entity that would participate in the ENA and defeat the government openness and transparency purposes of the Brown Act.

In fact, Mr. Hunter goes as far as to make clear that his client, presumably Murphy's Bowl, wants to minimize the time of the release of the ENA to just before the City Council hearing because "My client is trying to time its outreach to the various players." So apparently, it was important for Murphy's Bowl to tell "various players" about the Council meeting and the ENA. The public clearly does not qualify as a "player" as far as Murphy's Bowl and Mr. Hunter are concerned. This rare and uncensored glimpse into the real views of Murphy's Bowl and the City about the community is beyond shocking. Murphy's Bowl and the City had no concern for the people whose lives they were about to affect. No wonder the City fought so hard to prevent the disclosure of these revealing documents.

C. The City and the Clippers Gamed the System by Depriving the Public of As Much Notice as Possible.

A public agency must normally provide 72 hours' notice of a matter prior to a regularly scheduled public hearing:

The Brown Act ... is intended to ensure the public's right to attend the meetings of public agencies. (*Freedom Newspapers, Inc. v. Orange County Employees Retirement System* (1993) 6 Cal.4th 821, 825, 25 Cal.Rptr.2d 148, 863 P.2d 218.) To achieve this aim, the Act requires, inter alia, that an agenda be posted at least 72 hours before a regular meeting and forbids action on any item not on that agenda. (§ 54954.2, subd. (a); *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 555, 35 Cal.Rptr.2d 782.)

(*International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 293.) A notice period of 24 hours is allowed for special meetings, but this obviously provides less time for the public to become aware of the meeting and attend.

In response to Mr. Hunter's questioning whether the ENA had to be posted with the agenda for a public hearing, Mr. Jones, the City's attorney, answered that the

"document has to be posted with the agenda. *That is why we elected to just post 24 hours versus the normal 72 hours.*" (Enclosure 2, p. ING-252, emphasis added.)

This is an email exchange on June 9, 2017, discussing the agenda for the June 15, 2017 meeting. So the City, along with the Clippers, purposefully decided to give only 24 hours' notice rather than the normal 72 hours' notice, so the public would have less notice about the ENA. This is an outrageous attempt to deprive the public of adequate notice when the City very easily could have given the normal 72 hours' notice for such an important matter for the City's residents' future.

Even earlier, in a June 5, 2017 email, Mr. Jones tells Mr. Hunter "the Mayor wants to schedule the meeting *approving* the ENA during the middle of June." (Enclosure 2, p. ING-169, emphasis added.) It is clear from the City Attorney's email that the ENA would be approved—that the Mayor and City officials had predetermined the matter before it was even presented to the City Council. Clearly the public didn't matter given that the City and Murphy's Bowl knew the City would provide an agenda item that gave no clue as to what was going to be considered and the City would provide only 24 hours' notice for people to figure it out. They also knew long beforehand they wanted to have the ENA at a public hearing on June 15, 2017, rendering 72 hour notice more than feasible. Instead, the City elected to deprive the public of the "normal" notice period, as noted by the City Attorney. The community was not one of the "players."

It is noteworthy that this limited public notice was provided for an Arena Project that resulted in intense public interest and packed public hearings with extensive public objections to the proposal *after* the Los Angeles Times ran a story about it and after the initial June 15 special meeting. (Enclosure 4 [LA Times Article entitled "Possible Clippers Arena has many Inglewood residents worried they may lose their homes or businesses"].)

II. INGLEWOOD HAS A HISTORY OF VIOLATING THE BROWN ACT WHICH YOUR OFFICE HAS INVESTIGATED AND DOCUMENTED.

The Brown Act violation set forth here is not an isolated incident in the City of Inglewood. On November 12, 2013, you sent a letter to the City of Inglewood in Case No. P13-0230 stating that actions by Mayor Butts at meetings on August 27, 2013 and September 24, 2013 "violated the Brown Act." (Enclosure 5.) We ask that you consider Inglewood's history of violating the Brown Act and frustrating public participation as part of the factual circumstances in evaluating our request to investigate the City's more recent Brown Act violations in connection with the Arena Project ENA.

District Attorney

March 15, 2018

Page 6

III. CONCLUSION.

Because of the Court-ordered release of documents, we now know that the City and Murphy's Bowl worked together to provide a meaningless agenda description and only 24 hours' notice so that the project would not be known to the general public. The clear and unambiguous intent of the City and Murphy's Bowl was to deprive the public with meaningful notice as required by law.

We urge you to investigate the City's actions in intentionally violating the Brown Act and take appropriate steps to hold the City's leaders accountable.

Sincerely,



Douglas P. Carstens

Enclosures:

1. Special Meeting Notice dated June 15, 2017.
2. Emails dated June 9, 2017 of Royce Jones and Chris Hunter
3. Murphy's Bowl LLC Formation documents
4. LA Times Article of August 13, 2017 and August 14, 2017.
5. Letter of Los Angeles County District Attorney's Office dated November 12, 2013 to Inglewood City Council

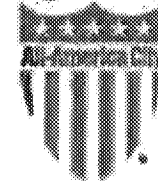
cc: Bruce Gridley, Esq.
Edward Kang, Esq.
Charmaine Yu, Esq.
Royce Jones, Esq.
Chris Hunter, Esq.
Ms. Yvonne Horton, City Clerk, City of Inglewood
Ms. Margarita Cruz, Successor Agency Manager, Successor Agency
Mr. Artie Fields, City Manager, City of Inglewood
Bureau Fraud and Corruption Prosecutions, Public Integrity Division

ENCLOSURE 1



INGLEWOOD, CALIFORNIA
Web Site — www.cityofinglewood.org

Inglewood



2009

MAYOR

James T. Butts, Jr.

COUNCIL MEMBERS

George W. Dotson, District No. 1

Alex Padilla, District No. 2

Eloy Morales, Jr., District No. 3

Ralph L. Franklin, District No. 4

CITY CLERK

Yvonne Horton

CITY TREASURER

Wanda M. Brown

CITY MANAGER

Artie Fields

CITY ATTORNEY

Kenneth R. Campos

06-15-17 City Council Meeting (Special) Original Document

Documents:

AGENDA06152017 - SPECIAL.PDF

1. ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending approval of an Exclusive Negotiating Agreement (ENA) by and among the City, the City of Inglewood as Successor Agency to the Inglewood Redevelopment Agency (Successor Agency), the Inglewood Parking Authority (Authority), and Murphy's Bowl LLC, a Delaware Limited Liability Company (Developer).

Documents:

AGENDA ITEM NO. 1 (06152017 SPECIAL MTG).PDF

APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

PUBLIC COMMENTS REGARDING OTHER MATTERS

Persons wishing to address the City Council on any matter connected with City business not elsewhere considered on the agenda may do so at this time. Persons with complaints regarding City management or departmental operations are requested to submit those complaints first to the City Manager for resolution.

MAYOR AND COUNCIL REMARKS

The members of the City Council will provide oral reports, including reports on City related travels where lodging expenses are incurred, and/or address any matters they deem of general interest to the public.

ADJOURNMENT CITY COUNCIL

In the event that today's meeting of the City Council is not held, or is concluded prior to a public hearing or other agenda item being considered, the public hearing or non-public hearing agenda item will automatically be continued to the next regularly scheduled City Council meeting.

AR 000016



INGLEWOOD, CALIFORNIA
Web Site – www.cityofinglewood.org

Thursday, June 15, 2017
9:30 A.M.

Inglewood



2009

**NOTICE AND CALL OF SPECIAL MEETING OF THE INGLEWOOD
CITY COUNCIL/SUCCESSOR AGENCY/PARKING AUTHORITY
(Government Code Section 54956)**

**TO THE MEMBERS OF THE
CITY COUNCIL/SUCCESSOR AGENCY/PARKING AUTHORITY
OF THE CITY OF INGLEWOOD**

NOTICE IS HEREBY ORDERED by the Mayor/Chairman that a special meeting of the Council/Successor Agency/Parking Authority Members of the City of Inglewood will be held on Thursday, June 15, 2017, commencing at 9:30 A.M. in the Council Chambers, One Manchester Boulevard, Inglewood, California (Government Code Section 54956).

MAYOR

James T. Butts, Jr.

COUNCIL MEMBERS

George W. Dotson, District No. 1

Alex Padilla, District No. 2

Eloy Morales, Jr., District No. 3

Ralph L. Franklin, District No. 4

CITY CLERK

Yvonne Horton

CITY TREASURER

Wanda M. Brown

CITY MANAGER

Artie Fields

CITY ATTORNEY

Kenneth R. Campos

AGENDA

CITY COUNCIL/SUCCESSOR AGENCY/PARKING AUTHORITY

CLOSED SESSION ITEM ONLY – 9:30 A.M.

Roll Call

PUBLIC COMMENTS REGARDING CLOSED SESSION ITEM ONLY

Persons wishing to address the City Council/ on the closed session item may do so at this time.

- CS-1. Closed session – Confidential – Attorney/Client Privileged; Conference with Labor Negotiator Pursuant to Government Code Section 54957.6: Names of the Agency Negotiator: Jose O. Cortes, Human Resources Director: Name of Organizations Representing Employees: Inglewood Police Offices Association (IPOA); and Inglewood Police Management Association (IPMA).

AR 000017

OPENING CEREMONIES – 10:00 A.M.

Call to Order

Pledge of Allegiance

Roll Call

PUBLIC COMMENTS REGARDING AGENDA ITEMS

Persons wishing to address the Inglewood City Council/Successor Agency/Parking Authority on any item on today's agenda may do so at this time.

CONSENT CALENDAR

These items will be acted upon as a whole unless called upon by a Council Member.

I. ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending approval of an Exclusive Negotiating Agreement (ENA) by and among the City, the City of Inglewood as Successor Agency to the Inglewood Redevelopment Agency (Successor Agency), the Inglewood Parking Authority (Authority), and Murphy's Bowl LLC, a Delaware Limited Liability Company (Developer).

Recommendation:

- 1) Approve Exclusive Negotiating Agreement.

MAYOR AND COUNCIL REMARKS

ADJOURNMENT CITY COUNCIL

*** No Accompanying Staff Report at the Time of Printing**

ENCLOSURE 2

Royce K. Jones

From: Royce K. Jones
Sent: Tuesday, May 9, 2017 7:09 PM
To: 'Chris Hunter'
Cc: James Butts
Subject: RE: NBA Arena Draft ENA

Good evening Chris. Sorry I missed your call. I tried your office number and instead of leaving a voicemail message I thought I'd shoot you this email to let you know that I am available tomorrow morning to discuss the next steps in the City's process and the mechanics generally associated with moving forward. So please let me know what times work for you and I will make myself available and call you.

As I have not had an opportunity to discuss the revised ENA with the City team, I will obviously not be in a position to discuss the revisions with you tomorrow. However, I do plan to speak with the City team in the next day or so and will definitely promptly provide a response to you once the review is completed.

I look forward to working with you on this very important transaction for our clients.

Royce K. Jones

Royce K. Jones, Esq.
KANE BALLMER & BERKMAN
rkj@kbblaw.com

515 S. Figueroa Street; Suite 780
Los Angeles, CA 90071
Telephone: 213-617-0480
Facsimile: 213-625-0931

402 West Broadway; 4th Floor
San Diego, CA 92101
Telephone: 619-567-3450
Facsimile: 619-567-3448

CAUTION: CONFIDENTIAL. THIS EMAIL MAY CONTAIN INFORMATION PROTECTED BY THE ATTORNEY-CLIENT OR ATTORNEY WORK PRODUCT PRIVILEGE. It is intended only for the person to whom it is addressed. If you are not the intended recipient or their agent, then this is notice to you that dissemination, distribution or copying of this document is prohibited. If you received this message in error, please call us at once and destroy the document.

From: Chris Hunter [mailto:chunter@rhhslaw.com]
Sent: Tuesday, May 9, 2017 12:12 PM
To: Royce K. Jones
Cc: Renee Morgan-Hampton; Christopher Meany <CMeany@wilsonmeany.com> (CMeany@wilsonmeany.com); Dennis Wong VerbenaRH (dennis@verbenarh.com); Rising, Mark F.; Brandt Vaughan (brandt@ballmergroup.com)
Subject: RE: NBA Arena Draft ENA

Royce

Attached please find clean and redlined versions of the ENA. I look forward to working with you on this.

Please call or email and we can review these changes.

Thanks

Chris

Chris Hunter, Partner
RING HUNTER HOLLAND & SCHENONE, LLP
985 Moraga Road, Suite 210, Lafayette, CA 94549
Direct: 925.226.8247. | Cell: 925.639.6213 | Fax: 925.775.1941
chunter@rhhslaw.com | www.rhhslaw.com

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail to chunter@rhhslaw.com and delete the message.

From: Royce K. Jones [mailto:royce@kbbblaw.com]
Sent: Friday, April 28, 2017 11:38 AM
To: Chris Hunter
Cc: Renee Morgan-Hampton
Subject: NBA Arena Draft ENA

Good afternoon Chris,

My name is Royce Jones and my law firm serves as special counsel to the City of Inglewood. At the request of Mayor James T. Butts, Jr., of the City of Inglewood and Dennis Wong of the Los Angeles Clippers, I have prepared and attached for your review a draft of a proposed Exclusive Negotiating Agreement (ENA) in accordance with discussions held last Friday (April 21, 2017) at Inglewood City Hall in which Mayor Butts and Mr. Wong along with certain other City and Clipper representatives were in attendance. The draft ENA generally details the potential deal points and negotiating parameters established for the preparation of a potential disposition and development agreement by the parties providing for the proposed development of an NBA arena and related uses on real property located within the City of Inglewood.

Please note that the draft ENA has not been reviewed or discussed with my clients and I am therefore reserving the right to make future revisions to the ENA based upon such review and discussions with my clients.

I look forward to working with you on the ENA. I can be reached at either the email address shown above or the Los Angeles telephone number listed below for my office.

Royce K. Jones

From: Royce K. Jones
Sent: Monday, June 5, 2017 8:58 AM
To: 'Chris Hunter'
Subject: RE: Just saw you called
Attachments: 7-1 ENA (00184764xC47F4).docx

Good morning Chris,

I had a chance to go over your revised draft of the ENA over the weekend and made what I hope will bring us really close to finalizing the ENA. As you will see that I made just a few changes that dealt with the acquisition of the Participating Parcels if the parties wanted to do commence acquisition efforts before the DDA and the payment of the \$1.5M non-refundable deposit within 24 hours following City approval of the DDA since the Mayor wants to schedule the meeting approving the ENA during the middle of June. I also made a few minor clean up items. I will be available to talk anytime today except 1 pm to 2 pm to discuss the ENA. Hope you had a good weekend.

Royce K. Jones

Royce K. Jones, Esq.
KANE BALLMER & BERKMAN
rkj@kbbblaw.com

515 S. Figueroa Street; Suite 780
Los Angeles, CA 90071
Telephone: 213-617-0480
Facsimile: 213-625-0931

402 West Broadway; 4th Floor
San Diego, CA 92101
Telephone: 619-567-3450
Facsimile: 619-567-3448

CAUTION: CONFIDENTIAL. THIS EMAIL MAY CONTAIN INFORMATION PROTECTED BY THE ATTORNEY-CLIENT OR ATTORNEY WORK PRODUCT PRIVILEGE. It is intended only for the person to whom it is addressed. If you are not the intended recipient or their agent, then this is notice to you that dissemination, distribution or copying of this document is prohibited. If you received this message in error, please call us at once and destroy the document.

-----Original Message-----

From: Chris Hunter [mailto:chunter@rhhslew.com]
Sent: Saturday, June 3, 2017 12:58 PM
To: Royce K. Jones
Subject: Re: Just saw you called

Hi Royce

Following up on this. Are you available Monday to discuss?

Royce K. Jones

From: Chris Hunter <chunter@rhslaw.com>
Sent: Thursday, June 8, 2017 8:51 AM
To: Royce K. Jones
Subject: Revised ENA
Attachments: Revised 5-7 ENA (00185067xC47F4).docx

Hi Royce

Following up on my call, attached is the ENA with a couple of clarifications, each highlighted in yellow. Two of the changes revised "DDA approval" to "DDA approval and execution" and the other change incorporates the business point that had been agreed to by the parties that the FMV of the City and Agency Parcels will be determined as of the Effective Date of the ENA.

Let's touch base today and finalize.

Thanks

Chris

Chris Hunter, Partner
RING HUNTER HOLLAND & SCHENONE, LLP
985 Moraga Road, Suite 210, Lafayette, CA 94549
Direct: 925.226.8247 | Cell: 925.639.6213 | Fax: 925.775.1941
chunter@rhslaw.com | www.rhslaw.com

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail to chunter@rhslaw.com, and delete the message.

Royce K. Jones

From: Chris Hunter <chunter@rhslaw.com>
Sent: Friday, June 8, 2017 5:22 PM
To: Royce K. Jones
Subject: Question

Hi Royce

What are the city's requirements for when the ENA document has to be posted. I understand The agenda has to go out 24 hours in advance but the question that I was asked was whether the document must be part of the public agenda or if it can be down loaded shortly before the hearing. My client is trying to time it out reach to the various players. Our entity will have a generic name so it won't identify the proposed project.

Sent from my iPhone

Chris Hunter

Royce K. Jones

From: Royce K. Jones
Sent: Friday, June 9, 2017 5:28 PM
To: Chris Hunter
Subject: Re: Question

Hello Chris,

The document has to be posted with the agenda. That is why we elected to just post 24 hours versus the normal 72 hours.

Royce

Sent from my iPhone

> On Jun 9, 2017, at 5:22 PM, Chris Hunter <chunter@rhlslaw.com> wrote:

>

> Hi Royce

>

> What are the city's requirements for when the ENA document has to be posted. I understand The agenda has to go out 24 hours in advance but the question that I was asked was whether the document must be part of the public agenda or if it can be down loaded shortly before the hearing. My client is trying to time it out reach to the various players. Our entity will have a generic name so it won't identify the proposed project

>

> Sent from my iPhone

>

> Chris Hunter

>

Royce K. Jones

From: Chris Hunter <chunter@rhslaw.com>
Sent: Wednesday, June 14, 2017 2:12 PM
To: Brandt Vaughan; Dennis Wong Verbenah; Christopher Meany
Cc: gillenz@clippers.com; Mark Rising (mrising@hebsell.com); Royce K. Jones
Subject: Wiring Instructions

Thanks Brandt. I just talked to Royce and he is heading to the City's finance department now and will send the wiring instructions

Royce -- can you forward the wiring instructions to the people on this email?

Thanks

Chris Hunter, Partner
RING HUNTER HOLLAND & SCHENONE, LLP
985 Moraga Road, Suite 210, Lafayette, CA 94549
Direct: 925.226.8247 | Cell: 925.639.6213 | Fax: 925.775.1941
chunter@rhslaw.com | www.rhslaw.com

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail to chunter@rhslaw.com, and delete the message.

ENCLOSURE 3

Delaware

The First State

Page 1

I, JEFFREY W. HULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF 'MURPHY'S BOWL LLC', FILED IN THIS OFFICE ON THE FIFTH DAY OF JANUARY, A.D. 2017, AT 8:39 O'CLOCK A.M.



6272084 8100
SR# 20170057220

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read 'JEFFREY W. HULLOCK', written over a horizontal line.

Authentication: 201819070
Date: 01-05-17

ING-270


State of Delaware
Secretary of State
Division of Corporations
Delivered 08:39 AM 01/05/2017
FILED 08:39 AM 01/05/2017
DE 1417007220 - File Number 0172004

**CERTIFICATE OF FORMATION
OF
MURPHY'S BOWL LLC**

The undersigned, being an authorized person for purposes of executing this Certificate of Formation on behalf of Murphy's Bowl LLC, a Delaware limited liability company (the "L.L.C."), desiring to comply with the requirements of 6 Del. C. § 18-201 and the other provisions of the Delaware Limited Liability Company Act, 6 Del. C. § 18-101, et seq. (the "Act"), hereby certifies as follows:

1. Name of the L.L.C. - The name of the L.L.C. is Murphy's Bowl LLC.
2. Registered Office and Registered Agent of the L.L.C. - The name of the registered agent for service of process on the L.L.C. in the State of Delaware is The First State Registered Agent Company. The address of the registered agent of the L.L.C. and the address of the registered office of the L.L.C. in the State of Delaware is 1925 Lovering Avenue, City of Wilmington, County of New Castle, Delaware 19806.

IN WITNESS WHEREOF, the undersigned hereby executes this Certificate of Formation in accordance with the provision of 6 Del. C. § 18-201 this 5th day of January, 2017.


Emmanuel G. Papapoulos
Authorized Person (SEAL)

14.3 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, executors, administrators, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties to this Agreement have signed, sealed and delivered this Agreement this 18th day of January, 2017, intending this Agreement to be effective as of the Effective Date.

COMPANY:

MURPHY'S BOWL LLC

By: 

Greg A. Yaris
Manager

INITIAL MEMBER:

By: 

Steven A. Bellizer
Individually, as manager of his separate property, and as the Sole Member

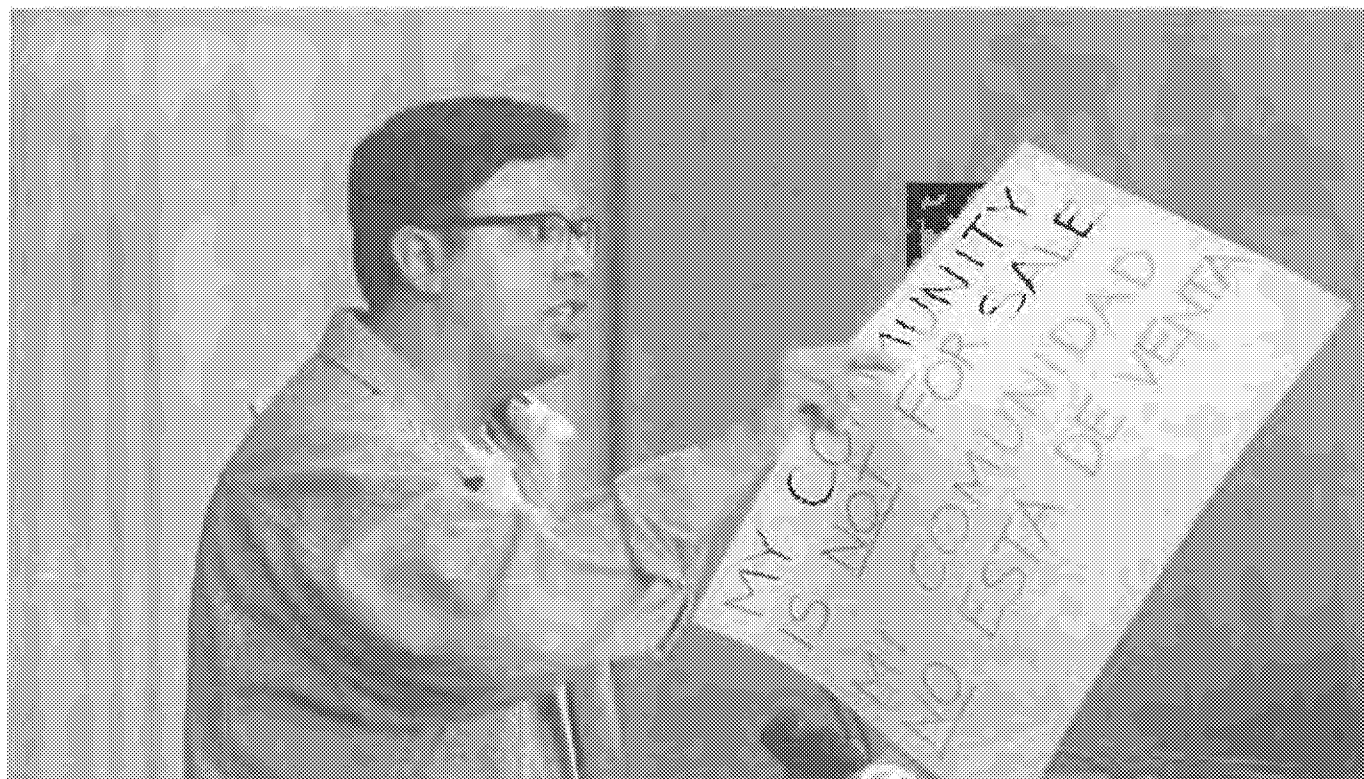
INITIAL MANAGER:

By: 

Greg A. Yaris
Manager

ENCLOSURE 4

Possible Clippers arena has many Inglewood residents worried they may lose their homes or businesses



Ricardo Ramirez, 20, of Inglewood, who is against the proposal for a new arena for the L.A. Clippers in Inglewood, speaks to Mayor James T. Butts and city council members at a special city council meeting held on July 21. (Gary Coronado / Los Angeles Times)



By Nathan Fenno

AUGUST 13, 2017, 6:00 AM

When construction started on the \$2.6-billion stadium for the Rams and Chargers last year, Bobby Bhagat figured his family's commitment to Inglewood would finally pay off.

For more than 40 years, they've owned the Rodeway Inn and Suites on busy Century Boulevard. The tidy 36-room property sits across the street from the 298 acres where the vast sports and entertainment district is starting to take shape.

"We've got a gold mine now that the stadium is coming," said Bhagat, whose father and uncle originally purchased the building. "This is what we worked for. We've been waiting for something like this to happen. Now with the Clippers project, it's all up in the air."

The family's gold mine could face a bulldozer.

When a Clippers-controlled company and Inglewood agreed in June to explore building an arena, the 22-page deal sent panic through the neighborhood. Some residents are praying for the project to fail, losing sleep, participating in protests, consulting lawyers.

All this because of the legalese buried in the agreement broaching the possibility of using eminent domain to supplement land already owned by the city. The site map attached to the document shows 100 "potential participating parcels" over a four-block area where the arena might be built. Eminent domain allows cities and other government agencies to pay fair market value to take private property from residents or business owners against their wishes for public uses.

The map doesn't indicate there are an estimated 2,000 to 4,000 people, predominately Latino, who live in the four-block area. Same for the scores of children — schools are a short walk away — and blue-collar residents who have been in the same houses for decades. Many residences include multiple generations of the same family. The median income hovers around \$30,000.

The area includes the Inglewood Southside Christian Church, more than 40 single-family homes, apartment buildings with about 500 units, several businesses and the Rodeway Inn and Suites.

The city owns large parcels of land in the area around the business, making it one of the most plausible arena sites.

"It's not an eyesore, it's not blighted, it's well-kept, well-maintained and we don't want to go anywhere," Bhagat said. "We're going to fight tooth and nail to stop the project."

He is among a growing number of business owners and residents pushing back against Clippers owner Steve Ballmer's proposal to construct the "state of the art" arena with 18,000 to 20,000 seats alongside a practice facility, team offices and parking. Ballmer, worth an estimated \$32 billion, has said the team will honor its lease to play at Staples Center through the 2024 season.

The Inglewood deal isn't final — some speculate it could be a negotiating ploy by Ballmer to wangle a better deal from the Anschutz Entertainment Group-owned Staples Center — but that hasn't slowed opposition.

One community group sued Inglewood last month in Los Angeles County Superior Court alleging the project should have been reviewed under California's Environmental Quality Act before the council

approved the agreement. The group also distributed fliers urging Inglewood Mayor James T. Butts Jr. to "stop this land grab." Another group, Uplift Inglewood, organized community meetings and protests. The Madison Square Garden Co., which owns the nearby Forum, issued a sharply-worded statement, accused the city of fraud in a claim for damages (usually the precursor to a lawsuit) and sued to obtain public records about the project.

In an email to The Times, Butts described the litigation as "frivolous" and said negotiations for the arena are "proceeding well."

At an Inglewood City Council meeting last month, the mayor insisted "no one is being displaced with the sales of these parcels." But opponents question how enough space exists to build an arena in four blocks without seizing private property. About 20 acres of city-controlled parcels are scattered across the 80-acre area.

The arena and associated structures would likely require at least 20 connected acres — and possibly more. That doesn't include any ancillary development or larger roads to handle increased traffic. The largest contiguous piece of land controlled by the city in the four-block area is only five acres. More would be needed for the project.

"In my opinion, there will not be any eminent domain proceedings of residential property or of church property," Butts wrote in an email. "As negotiations continue, there will be an opportunity for the City Council to make that clear at some point in the near future. That is not the intent of the project. I personally will not support the use of eminent domain proceedings to take any residential property."

But the response by some residents is a contentious departure from the groundswell of support 2½ years ago for Rams owner Stan Kroenke's plan to build his stadium on the site of the old Hollywood Park racetrack. Kroenke isn't involved with the Clippers project, though Wilson Meany, the sports and entertainment district's development manager, is filling the same role for the possible arena.

"This is something more than just bulldozing houses, this is a network of people and relationships that would also be destroyed," said Douglas Carstens, a Hermosa Beach land use attorney who sued Inglewood on behalf of the group Inglewood Residents Against Taking and Eviction that goes by the acronym IRATE. "It may be lower income and underserved, but they have a sense of community that's thriving."

One person who works with neighborhood residents was blunt: "They're sitting on poverty."

On the second Saturday of each month, the church gives away clothing and food to neighbors in need — food usually runs out at each event — and hosts 30 to 40 people for a free breakfast every Friday.

The church owns about two acres along West 104th Street, the largest single parcel in the four-block area that's not controlled by the city or a business. Herbert Botts, pastor of the church for 17 years, said the congregation doesn't want to move, but they're waiting until more details emerge before deciding on what, if any, action to take.

"We will do what we can to fight it, of course we will," Botts said. "But right now we're just keeping our eyes and ears open."

A half-block away, Gracie Sosa has witnessed the neighborhood's evolution from a two-bedroom home on Doty Avenue where she's lived with her parents since 1985. Crime and violence in the area have dwindled in recent years, replaced by a calmer, family-oriented atmosphere.

Sosa, who works for the American Red Cross, learned of the potential arena from a friend. No representatives of the city or team have contacted the family. She takes care of her disabled parents who are in their 70s. The family has no intention of leaving.

"It's about the money," Sosa said. "Let's just say it like it is. They're not thinking about how many people would lose their homes. I don't think our voices are heard. We're not billionaires. We're just residents of a not-so-great neighborhood. But it's our neighborhood.

"We're saying 'No, no, no' until the end."

Irma Andrade agrees. The concession stand manager at Staples Center has lived on Yukon Avenue for 20 years.

"It's unfair for people like us who worked really hard to buy our houses," she said. "I pray for it not to happen. But the money and power is really, really strong. We don't have that power."

Nicole Fletcher resides nearby in an apartment on 104th Street. She walks around the block at night and sees a neighborhood that's come a long way, but holds the potential for more improvement. In her eyes, that doesn't include an arena.

"My biggest concern is how it will impact the families," Fletcher said. "I would hate to see a lot of people move out because they want to build a sports arena."

But little is known about the project other than that Ballmer would fund it himself. The agreement between Inglewood and the Clippers-controlled company, which included the team giving the city a \$1.5-million nonrefundable deposit, runs for three years with the possibility of a six-month extension. No renderings have been made public, usually the first step in any public campaign for a new venue. Even the possible location of the arena on the four-block site is a mystery.

A Clippers spokesman declined comment about the project or opposition.

The uncertainty hasn't helped many of the residents, business owners and landlords. There are worried conversations with neighbors. Trips to organizing meetings. And, most of all, questions.

"In our experience with eminent domain, they never give you fair market value," said Bhagat, whose pride in the family business is reflected in his preference to call it a hotel instead of a motel. "We already know we're going to be shortchanged."

He's concerned about the potential lost income from the business that advertises "fresh, clean guest rooms" and touts its proximity to L.A. International Airport. His cousin who operates the business, John Patel, lives on site with his wife and two young children. What would happen to them?

Airplanes descend over the palm tree-lined parking lot. Cranes sprout across the street from the sports and entertainment district scheduled to open in 2020.

"How are we going to replace this business with another business in Southern California with that great of a location?" Bhagat said. "It literally is impossible."

nathan.fenno@latimes.com

Twitter: @nathanfenno

ALSO

Two hikers found dead in the Mojave Desert

Terrorists, hackers and scammers: Many enemies as L.A. plans Olympics security

Despite California's strict new law, hundreds of schools still don't have enough vaccinated kids

Copyright © 2018, Los Angeles Times

This article is related to: Staples Center, Los Angeles Rams, Los Angeles Chargers, American Red Cross

After protests, Inglewood City Council to vote on shrinking area for possible Clippers arena



Protesters attend a city council meeting in the overcrowded council chambers. (Gary Coronado / Los Angeles Times)



By Nathan Fenno

AUGUST 14, 2017, 6:25 PM

Inglewood's City Council will vote Tuesday on a revised deal with a Clippers-controlled company to shrink the four-block area where the team could build an arena so residences and a church aren't displaced.

The reworked agreement, quietly added to the meeting's agenda after it was first posted online Friday, follows protests by worried residents and at least two lawsuits related to the potential project.

SPONSOR A STUDENT
1-year subscription for \$13

GIVE NOW >

owl LLC during a special meeting in June, about whether proper notice was given for where the arena, practice facility, team

headquarters and parking could be constructed — and broached the possibility of using eminent domain to acquire some of the property.

The impacted area is home to an estimated 2,000 to 4,000 people with a median income around \$30,000, as well as the Inglewood Southside Christian Church.

The new agreement eliminates the possibility of removing single-family homes and apartment buildings and narrows the possible arena area to two blocks along West Century Avenue. They're occupied by a variety of businesses, including the family-owned Rodeway Inn and Suites, a warehouse used by UPS, Church's Chicken and an auto detailing shop. The deal also includes about six acres of city-owned land along West 102nd Street, butting up against the church and apartment buildings in addition to more city-owned land off South Prairie Avenue.

The agreement leaves open the possibility of acquiring property for the arena through eminent domain "provided such parcel of real property is not an occupied residence or church."

Douglas Carstens, a Hermosa Beach land use attorney who sued Inglewood in July on behalf of the group Inglewood Residents Against Taking and Eviction, believes the move is a step in the right direction, but wants more action by the city.

"Even without displacing resident owners or a church, there could still be a significant disruption of long-established businesses and apartment dwellers, and the significant impacts to everyone of the large arena complex next door," Carstens wrote in an email.

The upcoming vote isn't enough for nearby Forum, which has been vocal in its opposition to the arena plan.

"The City is all over the map, changing course with the shifting political winds," a statement issued by a Forum spokesman said. "Yet the City remains committed to eminent domain to take over people's land for the benefit of a private arena. Plus, redrawing the boundaries now does not preclude the City from changing those boundaries back in the future.

"Until the city outright prohibits the use of eminent domain for a new Clippers arena, no owner of private property in the area is safe."

Inglewood Mayor James T. Butts Jr. told The Times last week that he wouldn't support any effort to use eminent domain on residences or the church.

SPONSOR A STUDENT
1-year subscription for \$13

GIVE NOW >

on for why the residential areas were
range, other than it came "as a
ions ... requested by the parties."

The negotiating agreement between Inglewood and the Clippers-controlled company runs for 36 months.

Uplift Inglewood, a community group that's protested the arena plan, claimed the vote as a victory, but said more action is needed.

"We want them to take eminent domain off the table, pledge not to use it at all and build affordable housing in the community so we can stay here," a statement on behalf of the group said. "We want homes before arenas."

nathan.fenno@latimes.com

Twitter: @nathanfenno

ALSO

Possible Clippers arena has many Inglewood residents worried they may lose their homes or businesses

Sam Farmer: 'From a fan standpoint, this is great:' Commissioner Roger Goodell and Chargers fans get a first look at the NFL's smallest stadium

Watch LaVar Ball lose to Ice Cube in a four-point shootout at Staples Center

UPDATES:

3:55 p.m.: This article was updated with comments from attorney Douglas Carstens.

6:28 p.m.: This article was updated with statements from the Forum and Uplift Inglewood.

Copyright © 2018, Los Angeles Times

This article is related to: Roger Goodell

SPONSOR A STUDENT
1-year subscription for \$13

GIVE NOW >

ENCLOSURE 5



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION**

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

November 12, 2013

The Honorable Members of the Council
Inglewood City Council
One Manchester Blvd.
Inglewood, CA 90301

Re: Alleged Violations of Brown Act
Case No. P13-0230

Dear Honorable Members of the Council,

Our office received complaints of violations of the Brown Act by the Inglewood City Council affecting the right of members of the public to make comments at City Council meetings. We reviewed recordings of City Council meetings on August 27, 2013 and September 24, 2013, and observed that Mayor Jim Butts interrupted a member of the public who was making public comments and then ordered that person to be excluded from the meetings. As explained below, we conclude that the actions at both meetings violated the Brown Act. We hope that our explanation will assist the Council to better understand the permissible scope of regulating public comments and ensure that the Council does not repeat these violations.

At the City Council meeting on August 27, 2013, Joseph Teixeira, a member of the public, spoke during the time scheduled for open comments. He began by requesting that the Council remove Mayor Butts as council chair based on allegations that Mayor Butts misled and lied to the public through the Inglewood Today newspaper which is published by Willie Brown, an associate of Mayor Butts. Mayor Butts interrupted Mr. Teixeira several times to rebut the accusations. Mr. Teixeira responded by calling Mayor Butts a liar. At that time, Mayor Butts interrupted again and declared that Mr. Teixeira was "done" making comments. When Mr. Teixeira asked why, Mayor Butts replied that Mr. Teixeira was going to stop calling people names. Mayor Butts instructed a uniformed officer to escort Mr. Teixeira out of the meeting. A few minutes later, after comments were received from other members of the public, Mayor Butts made additional comments to rebut Mr. Teixeira's allegations. Mayor Butts added that he had allowed Mr. Teixeira to call him a liar at almost every City Council meeting recently, but asserted that Mr. Teixeira does not have the right to call people liars at City Council meetings. Mayor Butts then declared, "I'm not going to let anyone, from this point on, yell at the Council, yell at people in this room, call people names. That's not an exercise of free speech. That's just not going to happen anymore."

At the City Council meeting on September 24, 2013, Mr. Teixeira spoke during the time scheduled for public comments regarding agenda items. He represented that his comments were in objection to the warrant register payment to the Inglewood Today newspaper, an item which was listed on the agenda. He opposed the Council using Inglewood tax dollars to pay Inglewood Today to assist them in their bids for re-election by regularly praising them and hiding their mistakes, misconduct and serious problems in the city. As specific examples, he asserted that Inglewood Today had never reported on apparently well known allegations of past misconduct, including violating civil rights of citizens, by Mayor Butts while he was the Santa Monica Chief of Police. Mayor Butts then cut off Mr. Teixeira stating that the comments were not properly related to the warrant register agenda item and that Mr. Teixeira would have to come back at the end to continue his comments during the open comments period. Mr. Teixeira responded that he was speaking about the warrant register, but Mayor Butts declared that he was "done." Mr. Teixeira responded that he would talk about the warrant register and Mayor Butts warned him that he would be "done" if he said one more word about anything other than what was listed on the agenda. Mr. Teixeira then resumed his comments by asserting that Willie Brown had not reported important stories to the people of the community. At that point, Mayor Butts cut off Mr. Teixeira and declared that he was "done." He then instructed a uniformed officer to escort Mr. Teixeira out and added that he could come back at the end when open comments would be received. Indeed, Mr. Teixeira resumed his critical remarks later in the meeting during the open comments period.

The Brown Act protects the public's right to address local legislative bodies, such as a city council, on specific items on meeting agendas as well as any topic in the subject matter jurisdiction of the body. The Act permits a body to make reasonable regulations on time, place and manner of public comments. Accordingly, a body may hold separate periods for public comments relating to agenda items and for open comments. Also, a "legislative body may exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion." (*The Brown Act, Open Meetings for Local Legislative Bodies* (2003) California Attorney General's Office p. 28.; Gov. Code § 54957.9.) But exclusion of a person is justified only after an *actual* disruption and not based on a mere anticipation of one. (*Acosta v. City of Costa Mesa* (2013) 718 F.3d 800, 811; *Norse v. City of Santa Cruz* (2010) 629 F.3d 966, 976.) A speaker might disrupt a meeting "by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies." (*White v. City of Norwalk* (1990) 900 F.2d 1421, 1426; *Kindt v. Santa Monica Rent Control Board* (1995) 67 F.3d 266, 270.) However, "personal, impertinent, profane, insolent or slanderous remarks" are not per se actually disruptive. Exclusion for such speech is not justified unless the speech actually caused disruption of the meeting. (*Acosta, supra*, 718 F.3d at 813.) Furthermore, a "legislative body shall not prohibit a member of the public from criticizing the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body." (*The Brown Act, Open Meetings for Local Legislative Bodies, supra*, at 28.; Gov. Code § 54954.3(c).)

The question of when particular conduct reaches the threshold of actual disruption to justify excluding a member of the public "involves a great deal of discretion" by the

moderator of the meeting. (*White, supra*, 900 F.2d at 1426.) Nonetheless, a moderator may not "rule[] speech out of order simply because he disagrees with it, or because it employs words he does not like." (*Id.*) Conduct which courts have found amounted to actual disruption includes yelling and trying to speak out of turn during a meeting. (*Kindt, supra*, 67 F.3d at 271.) Actual disruption was also found when a member of the public incited the audience to stand in support of his stated position and approximately 20 to 30 people stood up in response and some started clapping. Additional disruption was found when the inciting member resisted attempts by officers to escort him out of the meeting. (*Acosta, supra*, 718 F.3d at 808-809.) Actual disruption, however, can not be based on the reaction of a member of a legislative body who is criticized or verbally attacked. (*Norse, supra*, 629 F.3d at 979 (CJ Kozinski concurring.))

Applying the case law above to the conduct captured in the recordings, we find that Mr. Teixeira did not cause any actual disruption at either meeting at issue. Thus, excluding him from each meeting was unlawful. In the August 27, 2013 meeting, it is clear that Mayor Butts cut off Mr. Teixeira's comments in response to Mr. Teixeira calling Mayor Butts a liar. Mayor Butts even explained to Mr. Teixeira that he was going to stop calling people names. Mayor Butts' additional commentary to the audience after he had Mr. Teixeira escorted out of the meeting confirms his purpose to not allow members of the public to yell or call people names at meetings. Mayor Butts' declaration that the conduct he was curtailing was "not an exercise of free speech" is incorrect. As cited above, personal remarks such as name calling is protected by the Brown Act and First Amendment and is not in and of itself a justification for cutting off a speaker or having the person removed. Mr. Teixeira's words did not cause a disruptive reaction from the audience or otherwise impede the proceedings. And, while it is true that Mr. Teixeira raised his voice during his emotional comments, we do not believe that it is accurate to describe him as yelling during his comments. Regardless, justification for interrupting and excluding a member of the public does not hinge on when a raised voice reaches a certain level. Rather, the actions are justified only to address an actual disruption. Mr. Teixeira did not cause any disruption at this meeting. Therefore, it was unlawful to cut short his comments and exclude him from the meeting.

Likewise, Mr. Teixeira did not cause any disruption at the meeting on September 24, 2013. On this occasion, Mayor Butts based his actions on the view that Mr. Teixeira's comments had veered off course and were no longer relevant to the specific agenda item involving the warrant register to pay Inglewood Today. We disagree. Mr. Teixeira's comments remained relevant to the specific warrant register. The basis of his objection to the warrant register was his assertion that the newspaper repeatedly failed to report on alleged misconduct by Mayor Butts. To support his assertion, Mr. Teixeira offered multiple examples of such alleged misconduct. Citing such examples had the additional effect of criticizing Mayor Butts which is a topic reserved for the open comments period later in the meeting. However, the additional effect did not strip the comments of their relevance to the initial issue of the warrant register. Exceeding the standard time allotted for speakers might amount to a disruption, but Mr. Teixeira's time was cut short. Furthermore, his comments did not incite a disruptive reaction from the audience. Again, it was unlawful to cut off Mr. Teixeira's comments and have him excluded.

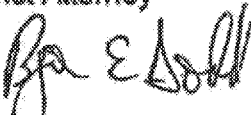
It must also be noted that even if Mr. Teixeira's comments had strayed off topic, exclusion was still unjustified. The appropriate response would have been to interrupt the comments and instruct Mr. Teixeira to leave the podium and be seated. Nothing of his conduct was disruptive. When he was told that he could no longer speak at that time, even though unlawfully, and that he must wait until the open comment period, he did not persist in his comments. Nor did he resist the officer who escorted him out of the meeting.

Finally, interruptions of Mr. Teixeira's comments by Mayor Butts at the August 27, 2013 meeting raise another concern regarding a speaker's allotted time for making comments. Legislative bodies may limit the time each speaker is allotted and it appears that the Inglewood City Council does. But caution must be taken by the Council that interruptions by its members do not cut short the allotted time. Mayor Butts interrupted several times to rebut accusations made by Mr. Teixeira. Because Mr. Teixeira's comments were cut short by unlawfully removing him, it remains unclear whether or not the interruptions by Mayor Butts would have affected the time limit. It is understandable that members of the Council might not want to leave accusations unanswered. But it must be ensured that such interruptions by members do not take away from the time allotted any individual speaker. The Council has the prerogative to set its procedures, but one way of protecting the allotted time would be to reserve responses by members of the Council until after an individual's public comments or after the general period for public comments.

We hope that our explanation will assist your understanding of permissible action under to the Brown Act and expect that from this point forward you will fully respect the rights of any member of the public to lawfully address the Council. Please feel free to contact us if you have any questions.

Truly yours,

JACKIE LACEY
District Attorney

By 

BJORN DODD
Deputy District Attorney

cc: Cal Saunders

Enclosure 2

Documents Show How Inglewood Clippers Arena Deal Stayed Secret

March 15, 2018



Inglewood City Council | Lawrence K. Ho / Los Angeles Times via Getty Images

Inglewood city officials were secretly negotiating an agreement to build an arena for the Clippers basketball team for months before giving a carefully guarded notice to the public, according to newly released documents.

Now there is a request for the Los Angeles District Attorney's Office to investigate.

Residents learned about the project on June 15, 2017, at a special meeting of the city council. The documents suggest that backers of the arena may have purposely used a special meeting because it required just 24 hours public notice, while a regular meeting requires 72 hours notice. The meeting agenda didn't mention the arena or the Clippers, but gave an obscure name of a related company negotiating the deal.

A judge ordered the documents be made public earlier this month as part of ongoing litigation involving the city and a community group. The Inglewood Residents Against Taking and Eviction, or IRATE, is suing Inglewood, claiming the city did not follow the California Environmental Quality Act, or CEQA, before it approved the exclusive negotiating agreement to build the arena.

On Thursday, Doug Carstens, an environmental attorney representing IRATE sent a letter to the Los Angeles District Attorney Jackie Lacey asking her office to investigate the city for intentional Brown Act violations. The Brown Act is a state law guaranteeing the public's right to attend meetings held by local legislative bodies.

"These actions are exactly contrary to the government openness and transparency purposes of the Brown Act and the California Environmental Quality Act," said Carstens.

The state's oldest environmental law, CEQA, requires local and state agencies to do environmental reviews before approving certain projects. An environmental impact report evaluating the arena is currently underway, according to city officials. Should the project be approved, some local business owners and residents have voiced concern the city may use eminent domain to acquire property to develop the arena.

Carstens sought documents, including emails, related to the agreement. The city had argued the emails were protected by attorney-client privilege. Los Angeles Superior Court Judge Amy Hogua partially disagreed and ordered attorneys defending Inglewood to release over 200 pages of draft agreements and emails Monday.

In an April 2017 email from Royce Jones, an attorney for Inglewood, to Chris Hunter, the attorney negotiating for the project, Jones confirms a draft of the agreement was prepared based on discussions earlier in the month with Mayor James Butts and "certain other City and Clipper representatives."

IRATE contends that the documents show the secrecy was maintained illegally.

In a June 9 email, Hunter asked Jones if the agreement must be part of the city council's public agenda or could be downloaded "shortly before the meeting" because his client wanted to reach out to "various players." Jones responded that the agreement must be part of the agenda and "that is why we elected to just post 24 hours versus the normal 72 hours."

Hello Chris,

The document has to be posted with the agenda. That is why we elected to just post 24 hours versus the normal 72 hours.

Royce

Sent from my iPhone

June 9 email between lawyers for Inglewood and the Clippers.

Hunter added that the entity he is representing "will have a generic name so it won't identify the proposed project." Residents would see only that the meeting involved Murphy's Bowl LLC, an entity formed in January 2017 in Delaware. It has one member, Steven Ballmer, the owner of the Clippers, according to court records.

The Inglewood City Council's regular meetings are held on alternate Tuesdays, but there wasn't one on Tuesday, June 13. Instead, there was a special meeting on Thursday, which only required the agenda to be posted 24 hours in advance.

The timing is more than suspect, Carstens believes.

"Each of these actions individually and collectively shows an ongoing and illegal pattern of gaming the system, depriving the public of notice, and hiding the ball," said Carstens.

In the Mayor's newsletters, Butts acknowledged negotiations with the Clippers began in January 2017.

Butts and City Attorney Ken Campos did not respond to a request for comment.

The negotiations are characterized as "secret meetings" in a lawsuit filed March 5 by the Madison Square Garden Co., which owns the Forum. MSG is suing the city of Inglewood including Butts, the city council and the parking authority, claiming they violated a contractual agreement involving a 15-acre parking lot. Inglewood leased the lot to MSG for seven years starting in 2014 to use for overflow parking.

MSG says in the lawsuit that it invested \$100 million into the Forum property based on agreements with the city, including the parking lot lease. The lawsuit also claims that in January 2017 the city pressured MSG to back out of the parking lease agreement and that the mayor claimed the city needed the land to create a "technology park."

Butts is at the center of what MSG calls a "fraudulent scheme" to let the Clippers use the land to build a facility that would compete with the Forum. The mayor told MSG officials use his personal email and not his official city account to communicate, according to the complaint.

The Forum was acquired by MSG in 2012 and has been a venue for concerts and sporting events.

By early April MSG terminated the parking lease agreement. At the time, MSG did not know Inglewood officials were already well underway in drafting an agreement with the owners of the Clippers to sell them the parking lot in order to build an arena for the basketball team. MSG claims it would not have broken the lease had it known of the city's "true intentions." The company learned about the plan on June 14 when Butts broke the news in a telephone call to an MSG executive, the same day the public agenda was posted.

Enclosure 3

In Possible Brown Act Violation, Inglewood Called Special Meeting to Minimize Public Involvement – Warren Szewczyk

Letter Requesting Investigation of Inglewood Sent to LA County District Attorney

The City of Inglewood attempted to minimize transparency as they planned to ratify a negotiating agreement with representatives of the Los Angeles Clippers, freshly released emails reveal. The documents may even show evidence of criminal activity.

I've reported on the City's dubious effort to hide over 100 emails written while preparing an Exclusive Negotiating Agreement (ENA) between the City and Murphy's Bowl, a shell corporation possessed by Clippers owner Steve Ballmer. After a court order to release the contents of these emails, we now have an idea of why neither Inglewood nor Murphy's Bowl wanted them public.

"What are the city's requirements for when the ENA has to be posted," asks Chris Hunter, a lawyer representing Murphy's Bowl, just six days before a special City Council meeting to approve the ENA. "I understand The agenda has to go out 24 hours in advance but the question I was asked was whether the document must be part of the public agenda or can it be down loaded shortly before the hearing" (sic).

He goes on to say, "Our entity" – a reference to Murphy's Bowl – "will have a generic name so it won't identify the proposed project."

Royce Jones, a lawyer hired by the City, replies: "The document has to be posted with the agenda. That is why we elected to just post 24 hours versus the normal 72 hours."

From: Royce K. Jones
Sent: Friday, June 9, 2017 5:28 PM
To: Chris Hunter
Subject: Re: Question

Hello Chris,

The document has to be posted with the agenda. That is why we elected to just post 24 hours versus the normal 72 hours.

Royce

Sent from my iPhone

> On Jun 9, 2017, at 5:22 PM, Chris Hunter <chunter@rhhslaw.com> wrote:
>
> Hi Royce
>
> What are the city's requirements for when the ENA document has to be posted. I understand The agenda has to go out 24 hours in advance but the question that I was asked was whether the document must be part of the public agenda or if it can be down loaded shortly before the hearing. My client is trying to time it out reach to the various players. Our entity will have a generic name so it won't identify the proposed project.
>
> Sent from my iPhone
>
> Chris Hunter
>

A June 9 email exchange between Chris Hunter, representing the Clippers, and Royce Jones, representing the City of Inglewood, that shows an attempt to minimize public involvement in the Clippers arena negotiation process.

Jones is referring to the City's decision to hold a special meeting, requiring 24 hours advanced notice, versus bringing the issue to a regular city council meeting, which would require 72 hours notice. In other words, Inglewood and the Clippers purposefully chose to hold a special meeting for no other reason than to reduce the amount of notice required.

This short exchange fits into a continued pattern of keeping the public at arms length with respect to the arena proposal. Nowhere in the communications between Mr. Hunter and Mr. Jones – which wouldn't even be public if not for a lawsuit and court order within that lawsuit – is there any suggestion of ensuring or soliciting public involvement.

According to Doug Carstens, a lawyer suing the City on behalf of an Inglewood community group, the conversation between Mr. Hunter and Mr. Jones proves the City breached a 1953 California transparency law known as the Brown Act.

In a March 15 letter to Jackie Lacey, the Los Angeles County District Attorney, Carstens requested the office investigate Brown Act violations.

"The violations of the Brown Act were so egregious it didn't seem like we could just let them go," he said in a phone interview. "It seemed like something the DA should be involved in."

"One of the core principles of the Brown Act is that the public has a right to hear and discuss anything that a legislative body subject to the Brown Act is going to discuss ... If the goal here was to make sure the public didn't know what they were actually going to talk about ... that's contrary to the letter and the spirit of the Brown Act." – Dan Snyder, First Amendment Coalition

Among other provisions, the Brown Act requires city meeting agenda descriptions to "give the public a fair chance to participate ... by providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency." Carstens argues Inglewood willfully obfuscated the purpose of the June 15 2017 meeting to ensure as little public scrutiny as possible.

Dan Snyder, a lawyer with the First Amendment Coalition who has pursued many Brown Act suits, says there's a strong case to be made.

"The Brown Act is clear in that agenda items have to be described in a way that is both accurate and not misleading," he told me by phone. "The fact that this agenda item doesn't mention anything about the NBA, or an arena, or the Clippers, or any of the [items] that are actually at issue here makes it misleading."

It's not the first time Inglewood has come under scrutiny related to the Brown Act. In fact, the same DA who received Mr. Carstens' allegations penned a 2013 letter to the Inglewood City Council informing the Council that Mayor Butts had violated the Brown Act by unlawfully removing members of the public from council meetings simply for disagreeing with the Mayor's opinions.

Despite a documented history of Brown Act violations by the Inglewood city government, Mr. Snyder believes it's unlikely the District Attorney's office will follow through with any significant action.

"I don't know of a single instance where a DA has brought charges based on the Brown Act," he said. "It is authorized under the law, but to my knowledge it's never happened."

Mr. Snyder said the letter to the DA may just be a form of "saber-rattling."

For his part, Mr. Carstens said he simply hopes the DA will provide "accountability" in whatever form they deem most appropriate.

Beyond criminal proceedings, Inglewood could be held accountable in civil court. But since a Brown Act suit must be brought within 90 days of the alleged violation, it seems to be too late for such a case.

Regardless, Mr. Snyder believes the letter is purposeful and important.

"It's good to bring to the public's attention Brown Act violations," he said. "Even after the window for civil litigation has passed that doesn't mean the window for criticizing the city government has passed."

EXHIBIT 2



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

SCOTT K. GOODWIN • Director

May 17, 2019

The Honorable Members of the Inglewood City Council
City of Inglewood
1 Manchester Boulevard
Inglewood, California 90301

Re: Alleged Brown Act Violations by City of Inglewood, P18-0132

Dear Members of the City Council,

The Public Integrity Division received a complaint alleging that the Inglewood City Council violated the Ralph M. Brown Act (Brown Act) at a special meeting on June 15, 2017. After reviewing the agenda, we have concluded that the City Council did violate the Act by failing to provide a sufficient agenda description of Item 1, which involved an Exclusive Negotiating Agreement (ENA) between the City of Inglewood and Murphy's Bowl LLC.

The Brown Act, in Government Code section 54954.2(a)(1), requires that a local agency "post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting." That section further states, "A brief general description of an item generally need not exceed 20 words." Courts have held that although the description need not include every detail of a matter, it must be sufficient to give the public "fair notice of the essential nature of what an agency will consider," and not leave the public "to speculation." (*San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal. App. 5th 637, 645; *San Joaquin Raptor Rescue Center et al. v. County of Merced et al.* (2013) 216 Cal. App. 4th 1167, 1178.)

The agenda for the special meeting listed Item 1, the only item for open session, as follows:

ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending approval of an Exclusive Negotiating Agreement (ENA) by and among the City, the City of Inglewood as Successor Agency to the Inglewood Redevelopment Agency (Successor Agency), the Inglewood Parking Authority (Authority), and Murphy's bowl LLC, a Delaware Limited Liability Company (Developer).

Recommendation:

- 1) Approve Exclusive Negotiating Agreement.

Hall of Justice
211 West Temple Street, Suite 1000
Los Angeles, CA 90012
(213) 257-2475
Fax: (213) 633-0985

Notably omitted from the agenda description was any information of the location and scope of the contemplated development project. Per the report from the Economic and Community Development Department and the ENA itself, the undisclosed potential project involved construction of a professional basketball arena on parcels of real property owned by the city as well as private citizens and businesses. Under the ENA, the city was obligated "to use its best efforts to acquire the parcels of real property" owned by private parties by voluntary sale, or possibly by exercising eminent domain. Information of the location and scope of the potential project was only made available to the public in the Economic and Community Development Department's report to the mayor and city council, as well as in the ENA itself. Those two documents were presumably attached to the agenda electronically on the city's web site. However, the Brown Act requires that a sufficient description be listed on the agenda itself to give the public fair notice. The public does not bear the burden to inspect related documents to glean the essential nature of what the city council will consider. Therefore, the agenda description did not comply with the requirements of the Brown Act.

It should be noted that the deficiency of the agenda description appears to have been part of concerted efforts between representatives of the city and the Murphy's Bowl LLC to limit the notice given to the public. Evidence reveals that the matter was set for a special meeting rather than a regular meeting to reduce the time required to give public notice from 72 hours to 24 hours before the meeting. Furthermore, the generic name of Murphy's Bowl LLC was used intentionally to obfuscate the identity of the proposed project and those associated with it. Although these tactics were not violations per se of the Brown Act, they indicate concerted efforts to act contrary to the spirit of the Brown Act. Although the evidence is not sufficient to prove that any member of the city council participated in these efforts to obfuscate, the city council bears the ultimate responsibility to comply with the Brown Act.

Violations relating to the agenda description of an item of business could render action by the city council null and void. However, because the complaint was received after the time limits to remedy the violation, no action will be taken at this time. Nonetheless, we sincerely hope that this letter will assist the city council in ensuring that such violations will not recur in the future.

Very truly yours,

JACKIE LACEY
District Attorney

By 

Bjorn Dodd
Deputy District Attorney

cc: Kenneth R. Campos, City Attorney

EXHIBIT 3



March 24, 2020

Mindy Wilcox, AICP, Planning Manager
City of Inglewood, Planning Division
One West Manchester Boulevard, 4th Floor
Inglewood, A 90301
Ibecproject@cityofinglewood.org

Re: Comments on the Draft Environmental Impact Report for the Inglewood
Basketball and Entertainment Center (IBEC), SCH 2018021056

Dear Ms. Wilcox:

On behalf of the Natural Resources Defense Council and our members in Inglewood and throughout California, we submit the following comments on the Draft Environmental Impact Report (DEIR) prepared for the basketball arena project proposed by applicant Murphy's Bowl on behalf of the Clippers Basketball team (the "Project").

Introduction

As a preliminary matter, we note that the Project is materially different from that approved by CARB under AB 987. This is so because the projected GHG emissions for the Project are much higher and there is less in the way of mitigation proposed. In short, net operating GHG emissions increased by 63% comparing the DEIR to the AB 987, to 496,745 MTCO_{2e} from 304,683 MTCO_{2e}, while proposed mitigation measures are not as robust. Accordingly, the timing and other project proponent benefits of AB 987 should not apply to the Project.

In addition, the Project relies heavily on statements of overriding considerations to mask the 41 significant adverse environmental impacts that ostensibly cannot be mitigated to insignificance. This is ludicrous in connection with a project that has little or no social utility for the residents of Inglewood who will bear the brunt of these impacts – including more air pollution in an already heavily-polluted area – and who are not the target audience for expensive professional basketball tickets.



Inadequacies in the DEIR

A. Failure To Address Environmental Justice Impacts.

There is no analysis of environmental justice throughout entire DEIR, except for two passages claiming that no analysis is needed: DEIR p. 3.2-16: “As described above, in general CEQA does not require analysis of socioeconomic issues such as gentrification, displacement, environmental justice, or effects on “community character.” And 3.14-56: “There are no applicable federal regulations that apply directly to the Proposed Project. However, federal regulations relating to the Americans with Disabilities Act, Title VI, and Environmental Justice relate to transit service.”

This is incorrect because, among other things, there is a significant federal approval needed for the Project in the form of an FAA approval because of the Project’s proximity to Los Angeles International Airport. Moreover, the California Attorney General has opined that local governments have a role under CEQA in furthering environmental justice; see https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf (accessed March 20, 2020). The remedy for this failure is recirculation of a DEIR that includes an environmental justice analysis.

B. Use Of Improper GHG Baseline

In its initial application under AB 987, the Project proponent attempted to increase the GHG CEQA baseline by assuming that the venues from which events would move to the Project would remain unused forever on the dates of the transferred events. After pushback from CARB and others, including NRDC, the Project proponent abandoned this irrational approach and conceded that the venues would be in use on those dates.

But the original theory has resurfaced in the DEIR. Having obtained the benefits of AB 987 by changing its initial (unjustified) position, the Project proponent should not now be allowed to revert to that position in order to raise the CEQA baseline and reduce its GHG mitigation requirement.

C. Failure To Properly Analyze And Mitigate GHG And Air Quality Impacts

The South Coast air basin is in extreme nonattainment for ozone, with a 2024 attainment deadline. Failure to meet the attainment deadline can lead to federal sanctions that will effectively shut down the local economy. The South Coast AQMD



plan to reach ozone attainment relies on an enormous level of reductions in oxides of nitrogen (NO_x), mostly from mobile sources such as cars and trucks. But the Project's projected emissions go in the opposite direction and the DEIR fails to require sufficient mitigation.

The DEIR admits this. For example,

Impact 3.2-1: Construction and operation of the Proposed Project would conflict with implementation of the applicable air quality plan.

Impact 3.2-2: Construction and operation of the Proposed Project would result in a cumulatively considerable net increase in NO_x emissions during construction, and a cumulatively considerable net increase in VOC, NO_x, CO, PM₁₀, and PM_{2.5} during operation of the Proposed Project.

Impact 3.2-5: Construction and operation of the Proposed Project, in conjunction with other cumulative development, would result in inconsistencies with implementation of applicable air quality plans.

In addition, the DEIR bases its calculations of criteria pollutants from motor vehicles on the EMFAC 2017 model developed and maintained by the California Air Resources Board (CARB). But EMFAC 2017 is now obsolete because the federal government has purported to rescind the EPA waiver for California's zero-emission vehicle program, and that program's effects are baked into EMFAC 2017. The result is that EMFAC will underreport emissions. That problem will be exacerbated when, as expected, NHTSA promulgates the so-called SAFE rule which will reduce the corporate average fuel emission (CAFE) standards in California and nationwide. This change, which is not reflected in EMFAC 2017, will make the projections in the DEIR substantially too low. This problem is true for transportation-related GHG emissions as well because the zero-emission waiver revocation and lower fleet mileage requirement will result in more GHGs from cars and trucks than the DEIR and EMFAC 2017 assume. Thus, the DEIR underreports projected criteria pollutant and GHG emissions, and that problem will get worse over time.

D. *Failure To Implement All Feasible Air Quality and GHG Mitigation*

Even if the DEIR air quality and GHG projections were accurate, which they are not, the mitigation measures in the DEIR are inadequate, especially given the number of ostensibly unmitigatable impacts.

NRDC

For example, the Project could and should require:

Shuttle buses should be zero-emission vehicles, starting on Day 1. ZE buses are available today from a number of vendors, including BYD in Los Angeles County.

The emergency generators should be electrically powered, and the Project should install more solar panels, and storage for solar power, to power them.

Aspirational mitigation measures and “incentives” to reduce emissions of NOx should be replaced with mandatory measures. The DEIR adopts Mitigation Measure 3.2-1(d), requiring the Project to provide “[i]ncentives for vendors and material delivery trucks to use ZE or NZE trucks during operation.” (DEIR, p. 3.2-71.) Similarly, Mitigation Measure 3.2-(c)(3) only requires the Project to “shall strive to use zero-emission (ZE) or near-zero-emission (NZE) heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB’s adopted optional NOX emissions standard of 0.02 g/bhphr.” (DEIR, p. 3.2-88.) In contrast, Mitigation Measure 3.2-2(c) specifies that use of Tier 4 off-road diesel-powered equipment rated at 50 horsepower or greater “shall be included in applicable bid documents, and the successful contractor(s) shall be required to demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities.” (DEIR, p. 3.2-88.) There is no showing in the DEIR that making Measures 4.3-1(d) and 3.2(c)(3) is infeasible. Given the significant impact on the AQMP, either such a showing of infeasibility must be made and supported by substantial evidence, or the measures must be made mandatory.

Electric vehicle parking for the Project must be provided. The electric vehicle parking needs to conform with applicable building code requirements in place at the time of construction. Electric vehicle charging stations must be included in the project design to allow for charging capacity adequate to service all electric vehicles that can reasonably be expected to utilize this development.

Each building should include photovoltaic solar panels.

The Transportation Demand Management (TDM) program must be revised to quantify the criterial pollutant and GHG reductions expected from the TDM measures.

The GHG reduction plan also must be revised so as not to defer development of mitigation measures, and to quantify the measures selected.

NRDC

As it stands, the exact content of the GHG Reduction Plan cannot be known from reading the DEIR. Further, the DEIR states that the GHG reductions will Reduction Plan will be modified in a Verification procedure if there are shortfalls in GHG reductions, providing that the methodology for the modification “shall include a process for verifying the actual number and attendance of net new, market-shifted, and backfill events.” (DEIR, p. 3.7-64.) That process is unacceptably vague and indeed the verification process may itself be subject to CEQA as a discretionary project.

Purchase and use of GHG offsets must meet CARB standards for cap and trade offsets. The DEIR’s entire description of this potential mitigation measure is:

Carbon offset credits. The project applicant may purchase carbon offset credits that meet the requirements of this paragraph. Carbon offset credits must be verified by an approved registry. An approved registry is an entity approved by CARB to act as an “offset project registry” to help administer parts of the Compliance Offset Program under CARB’s Cap and Trade Regulation. Carbon offset credits shall be permanent, additional, quantifiable, and enforceable.

Having a CARB-approved registry is not the same thing as requiring CARB-approved offset credits, which are limited in scope and strictly regulated. The residents of Inglewood should not be subjected to a lesser standard.

Additional local, direct measures that should be required before offsets are used include the following:

1. Urban tree planting throughout Inglewood.
2. Mass transit extensions.
3. Subsidies for weatherization of homes throughout Inglewood.
4. Incentives for carpooling throughout Inglewood.
5. Incentives for purchase by the public of low emission vehicles.
6. Free or subsidized parking for electric vehicles throughout Inglewood.
7. Solar and wind power additions to Project and public buildings, with subsidies for additions to private buildings throughout Inglewood.
8. Subsidies for home and businesses for conversion from gas to electric throughout Inglewood.

NRDC

9. Replacement of gas water heaters in homes throughout Inglewood.
10. Creation of affordable housing units throughout Inglewood.
11. Promotion of anti-displacement measures throughout Inglewood.

E. *Displacement Will Be Accelerated By The Project And Must Be Mitigated*

The economic activity and growth inducing impacts created by the Project will foreseeably result in displacement of current residents while rents increase and rental units are taken off the market to be put to alternative uses. However, the DEIR denies that indirect displacement will occur. (DEIR 3.12-16 to -17.)

California courts have acknowledged the human health impacts of proposed actions must be taken into account, *e.g. Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219–1220; *see also* CEQA Guidelines § 15126.2 subd. (a) [EIR must identify “relevant specifics of ... health and safety problems caused by the physical changes.”]). Human health impacts from displacement are real and are not merely speculation or social impacts. There have been numerous cases where health effects to people were inadequately analyzed. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 81, 89 [EIR inadequately addressed health risks of refinery upgrade to members of surrounding community]; *Bakersfield Citizens for Local Control, supra*, 124 Cal.App.4th at 1219–1220 [EIR was inadequate because it failed to discuss adverse health effects of increased air pollution]). Here, the DEIR needs to address the effects on the environment and human health reasonably foreseeable as results of construction and operation of the Project.

Conclusion

The DEIR must be revised and recirculated to account for its many deficiencies.

Thank you for your consideration.

David Pettit
Senior Attorney
Natural Resources Defense Council
1314 2nd Street
Santa Monica, California 90401

EXHIBIT 4

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

June 28, 2019

Kate Gordon, Director
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Director Gordon and Chair Nichols:

We write to convey concerns with the Inglewood Basketball and Entertainment Center (IBEC) application, submitted for certification pursuant to AB 987 (Kamlager-Dove), Chapter 961, Statutes of 2018.

AB 987 was the product of more than a year of intensive legislative deliberations. Following the failure of a predecessor bill in 2017, we participated in negotiations and hearings where testimony was taken, commitments were made, and amendments were adopted. We supported the final version of AB 987 specifically because it raised the bar compared to existing requirements of AB 900 and the California Environmental Quality Act (CEQA) generally. In particular, AB 987 requires the applicant to achieve more stringent and specific standards for mitigation of traffic and greenhouse gas (GHG) emissions.

We have reviewed the IBEC application and are disappointed to find that it meets neither the letter nor the spirit of AB 987. The application claims to meet AB 987's standards, but falls short in several significant respects. The result is a project that may not even meet minimum standards for mitigation under CEQA, much less represent an "environmental leadership" project meeting extraordinary standards that justify expedited judicial review.

Specifically, the applicant's GHG analysis greatly overestimates baseline emissions in order to reduce the project's net GHG emissions. By making novel and unsubstantiated assumptions about the project drawing events away from existing venues, the application contrives net emissions for construction and 30 years' operation of 156,643-158,631 tons. This estimate stands in sharp contrast to the estimated net emissions of 595,000 tons offered by the applicant's consultants when the GHG conditions were negotiated last August. The approach used in the application stands the argument the applicant used last year against GHG neutrality requirements — that Inglewood is transit starved compared to Staples Center — on its head.

To mitigate this artificially low estimate of net GHG emissions, the applicant proposes the Transportation Demand Management (TDM) program/targets (47-48% of total) and 50% of the reductions attributable to the LEED Gold certification (2.5% of total), both required by the bill. They claim this gets to 49.5-50.1% of required reductions, conveniently achieving AB 987's local GHG mitigation floor of 50%. By lowballing net GHG emissions, the applicant circumvents the need to make any of the local GHG mitigation investments, and associated community benefits, touted when the bill was before the Legislature.

To achieve zero net GHG on paper, the application projects the balance of emission reductions (47-48% of total) from unspecified offset projects and potential GHG co-benefits attributed to the required \$30 million clean air investment. Though AB 987 requires offsets to be local if feasible, and limited to projects in the United States in any case, the application includes no details on how these requirements will be met.

Because nearly half of the GHG reduction obligation is attributed to the TDM program, it is all the more important that the measures in the TDM program are real commitments that will reduce the millions of new vehicle trips generated by the project. However, the TDM program consists of a vague array of unenforceable goals, not real commitments to invest in traffic reduction.

If the project proceeds as proposed, the result will be more local traffic and air pollution in Inglewood and surrounding communities in the Los Angeles region, and none of the local investment to reduce GHG emissions that AB 987 would require based on a realistic accounting of the project's net emissions. This will shortchange the very communities the project purports to benefit.

Certification of a substandard project also would be unfair to other applicants and may set a precedent which undermines meaningful GHG mitigation and long-term climate goals.

Just as we supported AB 987, we are prepared to support a project that meets its requirements. Unfortunately, in its current form, the IBEC application is not that project.

The application should not be certified as submitted. We ask you to direct the applicant to withdraw the application, so that it may be revised, resubmitted, and promptly reviewed.

Sincerely,



Assemblymember Al Muratsuchi, 66th District



Assemblymember Laura Friedman, 43rd District



Assemblymember Cristina Garcia, 58th District



Assemblymember Kevin McCarty, 7th District

EXHIBIT 5

Clippers will buy The Forum for \$400 million so they can build a \$1.2 billion arena in Inglewood

Legal battles between Madison Square Garden Co. and the NBA team threatened to derail the \$1.2 billion project



The Forum on Wednesday, October 16, 2019 in Inglewood, California. (Photo by Keith Birmingham, Pasadena Star-News/SCNG)

By [Jason Henry](#) | jhenry@scng.com and [Mirjam Swanson](#) | mswanson@scng.com | Pasadena Star News

PUBLISHED: March 24, 2020 at 4:58 p.m. | UPDATED: March 24, 2020 at 6:38 p.m.

The owners of the Los Angeles Clippers will buy The Forum concert venue in Inglewood for \$400 million as part of a settlement agreement with Madison Square Garden Co..

The agreement ends years of legal battles that threatened the feasibility of a proposed \$1.2 billion Clippers arena in the city that soon will be home to an adjacent \$5 billion NFL stadium for the Los Angeles Rams and Chargers. That 18,000-seat arena just south of the new NFL stadium will still move forward.

<https://www.dailybreeze.com/2020/03/24/clippers-will-buy-the-forum-for-400-million-so-they-can-build-a-new-arena-in-inglewood/>

Under the newly formed CAPSS LLC, the Clippers' owners will continue to operate the historic Forum — the former home of the Los Angeles Lakers and Kings — as a music venue and has offered to hire all of current employees, according to a press release Tuesday.

“This is an unprecedented time, but we believe in our collective future,” said Steve Ballmer, the chairman of the L.A. Clippers. “We are committed to our investment in the City of Inglewood, which will be good for the community, The Clippers, and our fans.”

Ballmer and the Clippers previously offered to spend an additional \$100 million on a community benefit package, including \$75 million to support affordable housing. The exact terms of the package are still under negotiation.

Traffic concerns

The new ownership of the Forum will alleviate potential traffic congestion in the corridor by allowing the two venues to coordinate programming, according to the Clippers.

“We know traffic is something that many Inglewood residents worry about. While we have gone to great lengths to provide an unprecedented traffic-management plan for the new basketball arena, this acquisition provides a much greater ability to coordinate and avoid scheduling events at the same time at both venues,” said Chris Meany, a principal of Wilson Meany, the developer overseeing the new basketball arena project.

An environmental impact report released in December estimated a simultaneous concert at The Forum and a basketball game at the arena could impact 61 intersections and eight freeway segments. The arena is expected to contribute to a “significant and unavoidable” increase in traffic, noise and pollutants, according to the report.

Millions spent on lawsuits

Madison Square Garden Co., which bought The Forum for \$23.5 million in 2012 and invested \$100 million in renovations, has waged an all-out war to try to stop the Clippers from coming to the city. MSG sued Inglewood and its mayor, James T. Butts Jr., in 2018, alleging he tricked the company's executives into giving up their rights to the land needed for the proposed arena.

The Forum's owners claimed their fight was not about stopping the competition and instead was an attempt to protect Inglewood residents from a project that would “inflict severe traffic congestion, pollution and many other harms” on the city.

Both sides spent millions on the war, with the two parties heavily lobbying state and local officials for support. MSG's opposition stalled efforts to fast-track the arena by nearly a year.

As part of the settlement agreement, MSG will drop its lawsuit against the city and others challenging the environmental review of the project at the corner of Century Boulevard and Prairie Avenue, just across the street from SoFi Stadium.

<https://www.dailybreeze.com/2020/03/24/clippers-will-buy-the-forum-for-400-million-so-they-can-build-a-new-arena-in-inglewood/>

“This is the best resolution for all parties involved and we wish the new owners every success,” the company said in a statement.

With MSG out of the way, the Clippers will have eliminated the last of the arena’s roadblocks.

Smiling mayor signs settlement

The Inglewood City Council approved the settlement at its meeting Tuesday. Butts, smiling ear to ear, paused the agenda so he could sign the document immediately. A copy of the agreement was not available Tuesday.

“The city of Inglewood is overjoyed to welcome Steve Ballmer as the new owner and operator of the Fabulous Forum,” Butts said in a statement Tuesday. “He’s a true community partner.”

The purchase is expected to close during the second quarter of 2020, according to the Clippers. The team, which currently plays at Staples Center, wants the arena ready by the 2024 season.

EXHIBIT 6



Veronica T. <vt03398@gmail.com>

Inquiry for March 24, 2020 City Council Hearing

2 messages

Veronica T. <vt03398@gmail.com>

Thu, Apr 9, 2020 at 5:46 PM

To: yhorton@cityofinglewood.org

Dear City Clerk:

I have tried to find on the City's websites and in the City Council agenda for March 24, 2020 the settlement agreement that Mayor Butts was going to sign, and did sign, at the streamed March 24 Council Meeting, but I could not. I also searched on the web and City's online archives, but I could not find it.

Earlier this week, on April 7, 2020, I contacted your office to ask about where the settlement agreement is posted. The staff member walked me through locating the posted March 24, 2020 agenda and said that a link to a .PDF should be included. She said it should be located under agenda item A-2, but then she saw that it wasn't. I then called yesterday, and spoke to Jacqueline. She also checked, confirmed it isn't linked in the agenda, and told me she would try to find it and contact me. I gave her my phone number, but I haven't heard back from your office yet.

Please email me the settlement agreement. Also, please put it online so others can see it too.

I look forward to hearing from you.

Thank you.

Sincerely,
Veronica

Veronica T. <vt03398@gmail.com>

Tue, Apr 14, 2020 at 12:12 PM

To: yhorton@cityofinglewood.org

Dear City Clerk:

I'm following up on my below e-mail to you on April 9. I haven't yet received a response, or even an acknowledgment.

Please email me the settlement agreement Mayor Butts signed during the March 24, 2020 City Council hearing. Also, please put it online so others can see it too.

I look forward to hearing from you. Please confirm receipt of this e-mail.

Thank you.

Sincerely,
Veronica

EXHIBIT 7



INGLEWOOD, CALIFORNIA

Tuesday, March 24, 2020
2:00 P.M.



Web Sites:

- www.cityofinglewood.org
- www.cityofinglewood.org/253/Successor-Agency
- www.cityofinglewood.org/688/Housing-Authority
- www.cityofinglewood.org/654/Finance-Authority
- www.cityofinglewood.org/839/Parking-Authority

*******NOTE FROM THE CITY:** In an effort to take precautionary measures against the communal spread of the Novel Corona Virus (COVID-19), the general public is encouraged to stay home and view the City Council meeting on Facebook (City of Inglewood Government), or on Channel 35 (Spectrum Cable). For the general public who chooses to come to City Hall for the City Council Meeting, enter through the doors on the South Lawn and commune in Community Room A on the first floor of City Hall.

AGENDA

CITY COUNCIL / INGLEWOOD SUCCESSOR AGENCY/ INGLEWOOD HOUSING AUTHORITY / INGLEWOOD PARKING AUTHORITY/ JOINT POWERS AUTHORITY

MAYOR/CHAIRMAN

James T. Butts, Jr.

COUNCIL/AGENCY/AUTHORITY MEMBERS

George W. Dotson, District No. 1

Alex Padilla, District No. 2

Eloy Morales, Jr., District No. 3

Ralph L. Franklin, District No. 4

CITY CLERK/SECRETARY

Yvonne Horton

CITY TREASURER/TREASURER

Wanda M. Brown

CITY MANAGER/EXECUTIVE DIRECTOR

Artie Fields

CITY ATTORNEY/GENERAL COUNSEL

Kenneth R. Campos

CLOSED SESSION ITEMS – 1:00 P.M.

ROLL CALL

PUBLIC COMMENTS REGARDING THE CLOSED SESSION ITEM ONLY

Persons wishing to address the City Council/Successor Agency/Parking Authority on the closed session item may do so at this time.

CS-1, CSA-5 & P-2

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: MSG Forum, LLC v. City of Inglewood, et al.; Case No. YC072715; and MSG Forum, LLC v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174710.

CS-2, CSA-6, & P-3

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: Inglewood Residents Against Takings and Evictions v. City of Inglewood, et al.; Case No. B296760; and Inglewood Residents Against Takings and Evictions v. City of Inglewood as Successor Agency to the

OPENING CEREMONIES – 2:00 P.M.

Call to Order

Pledge of Allegiance

Roll Call

PUBLIC COMMENTS REGARDING AGENDA ITEMS

Persons wishing to address the Inglewood City Council/Successor Agency/Housing Authority/Parking Authority/Joint Powers Authority on any item on today's agendas, may do so at this time.

WARRANTS AND BILLS (City Council/Successor Agency/Housing Authority)

1. CSA-1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

CONSENT CALENDAR

These items will be acted upon as a whole unless called upon by a Council Member.

2. CITY ATTORNEY'S OFFICE

Letters from the Office of the City Attorney recommending the following:

A. Reject the following claims filed pursuant to Government Code Section 913:

- 1) Diego Ascencio for alleged property damage on February 3, 2020.
- 2) Ricardo Guizar for alleged property damage on December 29, 2019.
- 3) Hartford Group aso/Winifred Ross for alleged property damage on December 7, 2019.
- 4) Long Beach Affordable for alleged property damage on January 1, 2020.
- 5) Adesuwa Tinsley for alleged property damage on January 4, 2020.

B. Reject the following Insufficient Claim in accordance with Government Code Section 913.

- 1) John B. Casio for alleged towing on an unknown date.

C. Deny the Application for Leave to Present the following claim pursuant to Government Code Section 911.6:

- 1) Salvador Montalvo for alleged property damage from 2018-October 8, 2019.

3. CITY CLERK'S OFFICE

Approval of the Minutes of the Council Meeting held on March 10, 2020.

Documents:

3.PDF

4. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending adoption of a resolution approving Vesting Tentative Tract Map No. 82105 for the development of a 20-unit small lot subdivision.

Documents:

4.PDF

5. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending approval of an Advance Funds Agreement with ARYA Premiere Collections, LLC, to cover the cost of environmental review services required for Phase I of the CEQA documents associated with a proposed 14-story hotel development at 3820 West 102nd Street.

Documents:

5.PDF

6. FINANCE DEPARTMENT

Staff report recommending approval of a five-year lease agreement with the Assembly Committee on Rules, California State Assembly (State), authorizing Assemblywoman Autumn Burke (62nd Assembly District) to occupy 1,706 square feet of office space on the 6th floor of Inglewood City Hall (Suite 601).

Documents:

6.PDF

7. PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT

Staff report recommending approval of a two-year Agreement (with the option to extend an additional year), with Administrative Services Corporation, Inc. dba Yellow Cab and United Independent Taxi Drivers Incorporated (United Independent Taxi of South-West, Inc.) to provide subsidized taxicab services for elderly and disabled persons through March 17, 2022. (Grant Funds)

Documents:

7.PDF

8. POLICE DEPARTMENT

Staff report recommending approval of an agreement with Motorola Solutions, Inc., to purchase radio equipment for use at SoFi Stadium. (Asset Forfeiture Fund)

Documents:

8.PDF

9. POLICE DEPARTMENT

Staff report recommending approval of Amendment No. 2 to Agreement No. 19-002 with Dictation Sales and Service dba Equature, extending the term through September 30, 2024, for the purchase additional voice recorder equipment, software, and support services. (Asset Forfeiture and General Funds)

Documents:

9.PDF

10. POLICE DEPARTMENT PUBLIC WORKS DEPARTMENT

Staff report recommending authorization be given to acquire six (6) utility task vehicles from Polaris Sales, Inc. (General Fund)

Documents:

10.PDF

11. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report recommending approval of an Advance Funds Agreement with Prairie Station LLC in the amount of \$59,841 to cover the cost of environmental services associated with a 392 unit residential development at Prairie Avenue x 113th Street

Documents:

11.PDF

DEPARTMENTAL REPORTS

DR-1, CSA-4, H-4, & P-1. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Staff report recommending approval of Amendment No. 1 to Agreement No. 20-020 with Kane, Ballmer & Berkman to provide legal services on behalf of the City, Successor Agency, Housing Authority and Parking Authority. (General Fund)

Documents:

DR-1, CSA-4, H-4, P-1.PDF

COUNCIL INITIATIVE

CI. MAYORAL

Initiative by Mayor James T. Butts Jr., recommending the adoption of Executive Order No. 20-01 to declare the following:

1. The Local Emergency is extended and remains in effect to the maximum extent authorized by state law;
2. Any order promulgated by the Mayor to provide for the protection of life and property, pursuant to Government Code section 8634, shall be ratified by the City Council at the earliest practicable time;
3. No landlord shall evict a residential or commercial tenant in the City of Inglewood during this local emergency who's financial hardship is directly linked to the COVID-19 pandemic (as outlined in the proclamation);
4. The passage of this Executive Order does not relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due; and

Tenants have six months from the termination of the local emergency by the City or termination of the State emergency (whichever is later) to pay back the rent owed.

Documents:

CI-1.PDF

REPORTS – CITY ATTORNEY And/Or GENERAL COUNSEL

A-1, Report on Closed Session Items.

CSA-7

&

P-4.

A-2. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Consideration of and possible action on one or more agreements with MSG Forum, LLC; Inglewood Residents Against Taking and Evictions; Murphy's Boal LLC; and, other entities and individuals in furtherance of a potential settlement of claims arising from the proposed development of, and CEQA review for, the Inglewood Basketball and Entertainment Center Project, as well as obligations of the landowner of the Forum*

Recommendation:

Consider and Act on the following agreements:

- 1) Release and Substitution of Guarantor Under Development Agreement by and among MSG Forum, LLC, MSGN HOLDINGS, L.P., POLPAT LLC, and the City of Inglewood; and
- 2) Tri-Party Agreement by and among MSG Forum, LLC, MSG Sports & Entertainment, LLC, Murphy's Bowl LLC, and the City of Inglewood.

A-3. Oral reports – City Attorney/General Counsel.

REPORTS – CITY MANAGER

CM-1. Oral reports – City Manager.

REPORTS – CITY CLERK

CC-1. Oral reports – City Clerk.

REPORTS – CITY TREASURER

CT-1. CITY TREASURER

Monthly Treasurer's Report for the Month ending December 31, 2019.

Documents:

CT-1.PDF

CT-2.

Oral reports – City Treasurer.

INGLEWOOD SUCCESSOR AGENCY

CLOSED SESSION ITEM – 1:00 P.M.

ROLL CALL

PUBLIC COMMENTS REGARDING THE CLOSED SESSION ITEM ONLY

Persons wishing to address the Successor Agency on the closed session item may do so at this time.

CS-1, CSA-5 & P-2.

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: MSG Forum, LLC v. City of Inglewood, et al.; Case No. YC072715; and MSG Forum, LLC v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174710.

CS-2, CSA-6, & P-3.

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding

Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: Inglewood Residents Against Takings and Evictions v. City of Inglewood, et al.; Case No. B296760; and Inglewood Residents Against Takings and Evictions v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174709.

Call To Order

1. CSA-1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

CSA-2. SUCCESSOR AGENCY SECRETARY

Approval of the Minutes for the Successor Agency Meeting held on March 10, 2020.

Documents:

CSA-2.PDF

CSA-3. SUCCESSOR AGENCY TREASURER

Monthly Treasurer's Report for the Month ending December 31, 2019.

Documents:

CSA-3.PDF

DEPARTMENTAL REPORTS

CSA-4. DR-1, H-4, & P-1. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Staff report recommending approval of Amendment No. 1 to Agreement No. 20-020 with Kane, Ballmer & Berkman to provide legal services on behalf of the City, Successor Agency, Housing Authority and Parking Authority. (General Fund)

Documents:

DR-1, CSA-4, H-4, P-1.PDF

REPORTS – CITY ATTORNEY And/Or GENERAL COUNSEL

A-1, Report on Closed Session Items.

CSA-7

&

P-4.

ADJOURNMENT INGLEWOOD SUCCESSOR AGENCY

INGLEWOOD HOUSING AUTHORITY

1. CSA-1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

H-2. HOUSING AUTHORITY SECRETARY

Approval of the Minutes for the Housing Authority Meeting held on March 10, 2020.

Documents:

H-2.PDF

H-3. HOUSING AUTHORITY TREASURER

Monthly Treasurer's Report for the Month ending December 31, 2019.

Documents:

H-3.PDF

DEPARTMENTAL REPORTS

H-4, DR-1, CSA-4, & P-1. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Staff report recommending approval of Amendment No. 1 to Agreement No. 20-020 with Kane, Ballmer & Berkman to provide legal services on behalf of the City, Successor Agency, Housing Authority and Parking Authority. (General Fund)

Documents:

DR-1, CSA-4, H-4, P-1.PDF

ADJOURNMENT INGLEWOOD HOUSING AUTHORITY

INGLEWOOD PARKING AUTHORITY

CLOSED SESSION ITEM – 1:00 P.M.

ROLL CALL

PUBLIC COMMENTS REGARDING THE CLOSED SESSION ITEM ONLY

Persons wishing to address the Parking Authority on the closed session item may do so at this time.

CS-1, CSA-5 & P-2.

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: MSG Forum, LLC v. City of Inglewood, et al.; Case No. YC072715; and MSG Forum, LLC v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174710.

CS-2, CSA-6, & P-3.

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Cases: Inglewood Residents Against Takings and Evictions v. City of Inglewood, et al.; Case No. B296760; and Inglewood Residents Against Takings and Evictions v. City of Inglewood as Successor Agency to the Former Inglewood Redevelopment Agency, et al.; Case No. BS174709.

Call To Order

DEPARTMENTAL REPORTS

P-1, CSA-4, DR-1, & H-4. CITY ATTORNEY/GENERAL COUNSEL'S OFFICE

Staff report recommending approval of Amendment No. 1 to Agreement No. 20-020 with Kane, Ballmer & Berkman to provide legal services on behalf of the City, Successor Agency, Housing Authority and Parking Authority. (General Fund)

Documents:

DR-1, CSA-4, H-4, P-1.PDF

REPORTS – CITY ATTORNEY And/Or GENERAL COUNSEL

A-1, Report on Closed Session Items.

CSA-7

&

P-4.

ADJOURNMENT INGLEWOOD PARKING AUTHORITY

INGLEWOOD JOINT POWERS AUTHORITY

JPA-1. JOINT POWERS AUTHORITY TREASURER

Monthly Treasurer's Report for the Month ending December 31, 2019.

Documents:

JPA-1.PDF

ADJOURNMENT INGLEWOOD JOINT POWERS AUTHORITY

APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

PUBLIC COMMENTS REGARDING OTHER MATTERS

Persons wishing to address the City Council on any matter connected with City business not elsewhere considered on the agenda may do so at this time. Persons with complaints regarding City management or departmental operations are requested to submit those complaints first to the City Manager for resolution.

MAYOR AND COUNCIL REMARKS

The members of the City Council will provide oral reports, including reports on City related travels where lodging expenses are incurred, and/or address any matters they deem of general interest to the public.

ADJOURNMENT CITY COUNCIL

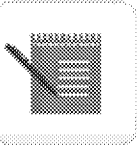
In the event that today's meeting of the City Council is not held, or is concluded prior to a public hearing or other agenda item being considered, the public hearing or non-public hearing agenda item will automatically be continued to the next regularly scheduled City Council meeting. If you will require special accommodations, due to a disability, please contact the Office of the City Clerk at (310) 412-5280 or FAX (310) 412-5533, One Manchester Boulevard, First Floor, Inglewood City Hall, Inglewood, CA 90301. All requests for special accommodations must be received 72 hours prior to the day of the Council Meetings.

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 2



Agenda Center

View current agendas and minutes for all boards and commissions. Previous years' agendas and minutes can be found in the [Document Center](#). [Adobe](#)

[Reader](#) may be required to view some documents.



Tools

[RSS](#)

[Notify Me®](#)

▼ City Council

[2020](#) [2019](#) [2018](#) [View More](#)

Agenda

Minutes

Download

Jun (June) 23, 2020 — Posted Jun (June) 19, 2020 7:05 PM

06-23-20 City Council Agenda

Jun (June) 16, 2020 — Posted Jun (June) 11, 2020 6:45 PM

06-16-20 City Council Agenda

Jun (June) 9, 2020 — Posted Jun (June) 5, 2020 8:28 PM

06-09-20 City Council Agenda

Jun (June) 2, 2020 — Posted May (May) 29, 2020 10:52 AM

06-02-20 City Council Agenda (No Meeting)

May (May) 26, 2020 — Posted May (May) 22, 2020 8:05 PM

05-26-20 City Council Agenda

May (May) 19, 2020 — Posted May (May) 15, 2020 5:40 PM








05-19-20 City Council Agenda

May (May) 12, 2020 — Posted May (May) 9, 2020 1:58 PM

05-12-20 City Council Agenda

May (May) 5, 2020 — Posted May (May) 2, 2020 1:46 PM

05-05-20 City Council Agenda

Agenda	Minutes	Download
<u>Apr (April) 28, 2020</u> — Posted Apr (April) 24, 2020 11:36 AM <i>4-28-20 City Council Agenda (No Meeting)</i>		
<u>Apr (April) 21, 2020</u> — Posted Apr (April) 16, 2020 9:01 PM <i>04-21-20 City Council Agenda</i>		
<u>Apr (April) 14, 2020</u> — Posted Apr (April) 10, 2020 4:58 PM <i>4-14-20 City Council Agenda (No Meeting)</i>		
<u>Apr (April) 7, 2020</u> — Posted Apr (April) 2, 2020 7:23 PM <i>04-07-20 City Council Agenda</i>		
<u>Apr (April) 7, 2020</u> — Posted Apr (April) 6, 2020 2:13 PM <i>04-07-2020 City Council Agenda (Special Meeting)</i>		
<u>Mar (March) 31, 2020</u> — Posted Mar (March) 27, 2020 4:03 PM <i>03-31-20 City Council Agenda (No Meeting)</i>		
<u>Mar (March) 27, 2020</u> — Posted Mar (March) 26, 2020 9:58 AM <i>03-27-2020 City Council Agenda (Special Meeting)</i>		
<u>Mar (March) 24, 2020</u> — Posted Mar (March) 20, 2020 9:36 PM <i>03-24-20 City Council Agenda</i>		
<u>Mar (March) 17, 2020</u> — Posted Mar (March) 13, 2020 8:38 PM <i>03-17-20 City Council Agenda</i>		
<u>Mar (March) 10, 2020</u> — Posted Mar (March) 5, 2020 5:51 PM <i>03-10-20 City Council Agenda</i>		
<u>Mar (March) 4, 2020</u> — Posted Mar (March) 4, 2020 2:14 PM <i>03-04-2020 City Council Agenda (Special Meeting)</i>		
<u>Mar (March) 3, 2020</u> — Posted Feb (February) 28, 2020 5:15 PM <i>03-3-2020 City Council Agenda (No Meeting)</i>		
<u>Feb (February) 25, 2020</u> — Posted Feb (February) 21, 2020 11:32 AM <i>02-25-20 City Council Agenda</i>		
<u>Feb (February) 18, 2020</u> — Posted Feb (February) 14, 2020 6:41 PM <i>02-18-2020 City Council Agenda (No Meeting)</i>		
<u>Feb (February) 11, 2020</u> — Posted Feb (February) 6, 2020 8:13 PM <i>02-11-20 City Council Agenda</i>		
<u>Feb (February) 4, 2020</u> — Posted Jan (January) 31, 2020 6:19 PM <i>02-04-20 City Council Agenda</i>		
<u>Jan (January) 28, 2020</u> — Posted Jan (January) 23, 2020 7:37 PM <i>01-28-20 City Council Agenda</i>		
<u>Jan (January) 21, 2020</u> — Posted Jan (January) 17, 2020 5:16 PM <i>01-21-2020 City Council Agenda (No Meeting)</i>		
<u>Jan (January) 14, 2020</u> — Posted Jan (January) 9, 2020 10:05 PM		

Agenda

Minutes

Download

01-14-20 City Council Agenda

Jan (January) 7, 2020 — Posted Jan (January) 2, 2020 5:00 PM

01-07-2020 City Council Agenda (No Meeting)



Inglewood CA

ABOUT THE CITY

[What's New](#)

[Community](#)

[Departments](#)

BUSINESS

[City Hall](#)

[Services](#)

[How Do I...](#)

HELPFUL LINKS USING THIS SITE

[Privacy](#)

[Contact Us](#)

[Readers & Viewers](#)

[Accessibility](#)

[Copyright Notices](#)

[Site Map](#)



INGLEWOOD, CALIFORNIA

Tuesday, June 9, 2020
1:00 PM



Web Sites:

www.cityofinglewood.org
www.cityofinglewood.org/253/Successor-Agency
www.cityofinglewood.org/688/Housing-Authority
www.cityofinglewood.org/654/Finance-Authority
www.cityofinglewood.org/839/Parking-Authority

*******NOTE FROM THE CITY: PUBLIC PARTICIPATION:** Pursuant to Executive N-29-20, which suspends portions of the Brown Act, and given the current health concerns, members of the public can access meetings live on-line, with audio and limited video, at <https://www.facebook.com/cityofinglewood> and on Spectrum Cable Channel 35. In addition, members of the public can participate telephonically to submit public comments on agenda items, public hearings, and/or City business by dialing 1-877-369-5243 or 1-617-668-3633 (Access Code 0995996##). The conference begins at 1:30 p.m., Pacific Time on June 9, 2020, and all interested parties may join the conference 5 minutes prior. Should any person need assistance with audio, please dial 889-796-6118.

Should you choose to submit comments electronically for consideration by the Inglewood City Council/Successor Agency/Housing Authority/Finance Authority/Parking Authority/Joint Powers Authority (Legislative Body) by sending them to the City Clerk/Secretary at yhorton@cityofinglewood.org, and Deputy City Clerk at aphillips@cityofinglewood.org. To ensure distribution to the members of the Legislative Body prior to consideration of the agenda, please submit comments prior to 12:00 P.M. the day of the meeting, and in the body of the email, please identify the agenda number or subject matter. Those comments, as well as any comments received after 12:00 P.M., will be distributed to the members of the Legislative Body and will be made part of the official public record of the meeting. Contact the Office of the City Clerk at 310-412-5280 with any questions.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Office of the City Clerk by telephone at 310-412-5280 or via email to yhorton@cityofinglewood.org no later than 10:00 AM on the day of the scheduled meeting.

AGENDA

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

MAYOR/CHAIRMAN

James T. Butts, Jr.

COUNCIL/AGENCY/AUTHORITY MEMBERS

George W. Dotson, District No. 1

Alex Padilla, District No. 2

Eloy Morales, Jr., District No. 3

Ralph L. Franklin, District No. 4

CITY CLERK/SECRETARY

Yvonne Horton

CITY TREASURER/TREASURER

Wanda M. Brown

CITY MANAGER/EXECUTIVE DIRECTOR

Artie Fields

CITY ATTORNEY/GENERAL COUNSEL

Kenneth R. Campos

CLOSED SESSION ITEMS – 1:00 P.M.

ROLL CALL

PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS ONLY

Persons wishing to address the City Council on the closed session item may do so at this time.

CS-1.

Closed session – Confidential – Attorney/Client Privileged; Conference with Labor Negotiator Pursuant to Government Code Section 54957.6: Names of the Agency Negotiator: Jose O. Cortes, Human Resources Director; Name of Organizations Representing Employees: Inglewood Police Officers Association (IPOA); Inglewood Police Management Association (IPMA).

CS-2.

Closed session – Confidential – Attorney/Client Privileged; City Council Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2); Workers Compensation Claim of Michael Bolliger: Claim Nos. 19-140170; ADJ No. 11428958.

CS-3.

Closed session – Confidential – Attorney/Client Privileged; Conference with Legal Counsel regarding Pending Litigation Pursuant to Government Code Section 54956.9(d)(1); Name of Case: Lloyd Joseph Collins, et al v. City of Inglewood, et al.; USDC Case No. 2:19-cv-04134 FMO-JC.

OPENING CEREMONIES – 2:00 P.M.

Call to Order

Pledge of Allegiance

Roll Call

PUBLIC COMMENTS REGARDING AGENDA ITEMS

Persons wishing to address the Inglewood City Council/Successor Agency/Housing Authority on any item on today’s agendas, other than the public hearings, may do so at this time.

WARRANTS AND BILLS (City Council/Successor Agency/Housing Authority)

1. CSA-1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

PUBLIC HEARINGS

PH-1. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Public hearing to consider the adoption of a resolution affirming Categorical Exemption EA -CE-2020-036 and approving General Plan Amendment 2020-001 (GPA 2020-001) to adopt an Environmental Justice Element for the Inglewood General Plan.

Documents:

PH-1.PDF

PH-2. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report to consider the adoption of a resolution affirming Categorical Exemption EA-CE-2020-037, and approving General Plan Amendment GPA 2020-002 to amend the Land Use Element of the Inglewood General Plan to clarify existing population density and building intensity allowances for all land use designations.

Documents:

PH-2.PDF

CONSENT CALENDAR

These items will be acted upon as a whole unless called upon by a Council Member.

2. CITY ATTORNEY'S OFFICE

Letters from the Office of the City Attorney recommending the following:

A. Reject Claim filed pursuant to Government Code Section 913:

- 1) Jane Doe for alleged personal injury on September 20, 2019.
- 2) Veronica Mackey for alleged personal injury on September 13, 2019.
- 3) Maria Menjivar for alleged personal injury on September 2, 2019.
- 4) R.H. &T for alleged property damage on September 5, 2019.

3. HOUSING PROTECTION DEPARTMENT

Staff report recommending the approval of a three-year cooperative purchase agreement with 3Di, Inc. (with the option to extend three additional years in one-year increments), for the development of a centralized data management system, and related equipment and maintenance that will support the services and activities of the Housing Protection Department. (General Fund)

Documents:

3.PDF

4. PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT

Staff report recommending approval to purchase three (3) Elderly Nutrition Program replacement Delivery Vehicles from 72 Hours, LLC doing business as "National Auto Fleet Group" using the terms, conditions, and pricing in National Auto Fleet Group/Sourcewell Contract No. 120716. (General Fund)

Documents:

4.PDF

DEPARTMENTAL REPORTS

DR-1. FINANCE DEPARTMENT

Staff report presenting the Fiscal Year 2019-2020 Midyear Budget Review Report.

Documents:

DR-1.PDF

DR-2. PUBLIC WORKS DEPARTMENT

Staff report recommending adoption of a resolution authorizing the submission of an application to the Local Agency Formation Commission for the County of Los Angeles.

Documents:

DR-2.PDF

ORDINANCES

O-1. PUBLIC WORKS DEPARTMENT

Staff report recommending the introduction of an Ordinance amending Chapter 3 of the Inglewood Municipal Code (IMC) to implement a Citywide Permit Parking Districts Program.

Documents:

O-1.PDF

REPORTS – CITY ATTORNEY

A-1. Report on Closed Session Items.

A-2. Oral reports – City Attorney.

REPORTS – CITY MANAGER

CM-1. Oral reports – City Manager.

REPORTS – CITY CLERK

CC-1. Oral reports – City Clerk.

REPORTS – CITY TREASURER

CT-1. Oral reports – City Treasurer.

INGLEWOOD SUCCESSOR AGENCY

CSA-1, 1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

ADJOURNMENT INGLEWOOD SUCCESSOR AGENCY

INGLEWOOD HOUSING AUTHORITY

H-1, 1 & CSA-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

H-2. SECTION 8. HOUSING & CDBG DEPARTMENT

Staff report recommending the adoption of a resolution updating the Administrative Plan for the Housing

Choice Voucher Program and the opening of the waiting list for Section 8.

Documents:

H-2.PDF

H-3. SECTION 8, HOUSING & CDBG DEPARTMENT

Staff report recommending the adoption of a resolution to accept Federal funding from the Department of Housing and Urban Development (HUD) for the Section 8 Housing Choice Voucher Program under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

Documents:

H-3.PDF

ADJOURNMENT INGLEWOOD HOUSING AUTHORITY

APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

PUBLIC COMMENTS REGARDING OTHER MATTERS

Persons wishing to address the City Council on any matter connected with City business not elsewhere considered on the agenda may do so at this time. Persons with complaints regarding City management or departmental operations are requested to submit those complaints first to the City Manager for resolution.

MAYOR AND COUNCIL REMARKS

The members of the City Council will provide oral reports, including reports on City related travels where lodging expenses are incurred, and/or address any matters they deem of general interest to the public.

ADJOURNMENT CITY COUNCIL

In the event that today's meeting of the City Council is not held, or is concluded prior to a public hearing or other agenda item being considered, the public hearing or non-public hearing agenda item will automatically be continued to the next regularly scheduled City Council meeting. If you will require special accommodations, due to a disability, please contact the Office of the City Clerk at (310) 412-5280 or FAX (310) 412-5533, One Manchester Boulevard, First Floor, Inglewood City Hall, Inglewood, CA 90301. All requests for special accommodations must be received 72 hours prior to the day of the Council Meetings.

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 3

From: Veronica Lebron
To: yhorton@cityofinglewood.org; aphilips@cityofinglewood.org; mwilcox@cityofinglewood.org
CC: Robert Silverstein; Naira Soghbatyan; Esther Kornfeld
Date: 6/9/2020 2:39 PM
Subject: Deprived of Public Participation during June 9, 2020 City Council Meeting

Dear City Clerk, Mayor and City Council Members:

We have repeatedly attempted to call the City at the telephone number indicated on the City Council Agenda for June 9, 2020.

However, we have continuously received an auto response that the access code was not recognized. Please see attached the video of our failed attempts to call today.

Let the record reflect that we have been deprived of the possibility to submit a public comment during the meeting, in violation of the Brown Act.

We have also watched the meeting and obtained a new code 0833144#. However, we were unable to connect and participate in the meeting, other than in "listening mode" and we were not provided the opportunity to speak despite dialing the available mode of raising the hand.

Please include this correspondence in the administrative record of both General Plan Amendments before you today, as well as the administrative record for the IBEC DEIR.

Thank you.

Veronica Lebron
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Veronica@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

=====
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (626-449-4200), and delete the original message. Thank you.

=====

From: Naira Soghatyan
To: yhorton@cityofinglewood.org; Mindala Wilcox
CC: Robert Silverstein; Veronica Lebron
Date: 6/16/2020 7:25 PM
Subject: Request for Clarification and Decision/Documents re June 16, 2020 CC Agenda Item Nos. SPH-2 and SPH-3.

Dear Ms. Horton and Ms. Wilcox:

Please include this letter in the administrative record of the IBEC Project (SCH 2018021056).

I have watched the relatively short City Council hearing on June 16, 2020.

I heard staff requesting that the PH-1 and PH-2 items (General Plan amendments) - which were considered and approved on June 9, 2020 - "be rescinded" and reconsidered as "new items" on June 30, 2020. However, I did not see any motion or vote taken on the staff's request to rescind, beyond the Mayor's own single statement that Items SPH-2 and SPH-3 re General Plan Amendments will be set for a hearing on June 30, 2020.

Please forward us any official decision/document regarding Item Nos. SPH-2 and/or SPH-3, if any, including but not limited to Council action(s) taken on those items and anything indicating whether the General Plan amendments and respective CEQA exemptions approved on June 9, 2020 were indeed rescinded, as staff recommended.

Thank you.

Naira Soghatyan, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Naira@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

=====
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (626-449-4200), and delete the original message. Thank you.
=====

From: Naira Soghatyan
To: aPhillips@cityofinglewood.org; Mindala Wilcox; yhorton@cityofinglewood.org
CC: Robert Silverstein; Veronica Lebron; Esther Kornfeld
Date: 6/16/2020 2:42 PM
Subject: Brown Act Violation on June 9, 2020; Comments to June 16, 2020 CC Agenda Item Nos. SPH-2 and SPH-3; and Objection to June 16, 2020 CC Agenda Item No. O-1
Attachments: June 9 2020 City Council Hearing FB Comments.pdf

Dear Mayor, City Council and City officials

Please include this letter in the administrative record of the IBEC Project SCH SCH 2018021056.

This letter is in response to the City's communication we received yesterday, June 15, 2020, June 16, 2020 City Council Hearing Agenda items SPH-2 and SPH-3 that the June 15, 2020 relates to, as well as an objection to the June 16, 2020 City Council Hearing Agenda Item O-1 related to the Adoption of the Citywide Permit Parking Districts Program and related Ordinance.

1. Deprivation of Public Right to Address Decisionmakers under Govt. Code Sections 54954(b)(3) and 54954.3

It is a fact that the Agenda of June 9, 2020 had provided an incorrect access code, which was the only way the public could directly address the decisionmakers, distinct from their right to also contact the City in writing. It is also a fact that we and the public attempted to contact the City at the incorrect access code provided on the agenda. The City violated the Brown Act's requirements to provide a correct advance agenda notice of the access code, as well as to provide uninterrupted and reasonable opportunity for the public to contact the City even upon the late correction access code, in violation of Govt. Code Sections 54954(b)(3) and 54954.3. These statutory requirements are also consistent with the COVID-19 Executive Order N-29-20, which solely waives the physical presence requirements and yet mandates both notice and accessibility of all public meetings.

In view of our and others' failed attempts to address the decisionmakers on June 9, 2020, we have requested special assurances and special accommodations to ensure that we and the public can be heard and can exercise our statutory right under the Brown Act at both June 17, 2020 Planning Commission Hearing and at any other public meeting. Our statements that over 100 people were deprived of the opportunity to address the decisionmakers on June 9, 2020 are supported by over 100 comments people left on Facebook in real time - during the very June 9, 2020 meeting - asking for an opportunity to speak and complaining of the technical difficulties to hear others' speeches.

Attached hereto is a printout of all the real time correspondence by the public, as well as the City's acknowledgment of the problem during the June 9, 2020 meeting. The list of comments arguably does not include the people who had attempted to call and yet were unable to view the meeting on Facebook either to learn about the corrected code or to leave comments on Facebook - all due to the lack of access to computer/internet or lack of computer skills.

We also note that for those who had been calling the City on June 9, 2020 - even with the City's late-corrected access code - were still deprived of the opportunity to speak because the instructions given at the meeting to dial # and then again # "to raise your hand" to make a comment were incorrect, as the "raise your hand" command given on the phone was "#2.". The incorrect instructions with the dial code were provided by staff orally during the hearing and were provided in writing on Facebook in real-time communications from the City.

We and the public request assurances and special accommodations to ensure that the City's teleconferencing is supported by an advance agenda, with a correct telephone and access code, printed in the same large print as the rest of the agenda, and free of any interruptions, background or static noises or other technical disturbances.

2. Re-Consideration of SPH-2 and SPH-3 and Recirculation of the IBEC DEIR.

In view of the undisputed technical problems with teleconferencing and the City's Brown Act violations to provide due notice and accessibility to the June 9, 2020 meetings, we support the reconsideration of the items upon accurate timely notice of the new hearing provided for the consideration of the General Plan Amendments in Items SPH-2 and SPH-3.

We also reiterate our claim that the General Plan Amendments will further the IBEC Project, are part of the latter, and must be considered in the IBEC Project EIR and together with all IBEC Project approvals.

The General Plan amendments were proposed on April 1, 2020, when Notices of Exemption for both General Plan amendments were posted online. This was long after March 24, 2020, when the public review period for the IBEC DEIR closed. Since no analysis of the later-advanced General Plan amendments of density/intensity modifications in the Land Use element and new Environmental Justice element (and their impacts) occurred in the IBEC DEIR, the noted General Plan amendments constitute a significant change and mandate that the DEIR be recirculated to provide the respective analysis under CEQA Guidelines Sec. 15088.5(a).

We therefore request not only the reconsideration of the General Plan amendments to ensure proper public participation, but also the recirculation of the IBEC Project DEIR, to include the analysis of the General Plan Amendments and their impacts therein.

3. Objections to the Adoption of the Ordinance re Citywide Permit Parking Districts Program, Agenda Item No. O-1.

We object to the City's adoption of the Ordinance re Citywide Permit Parking Districts Program as it is in violation of CEQA's piecemealing prohibition.

The proposal to introduce citywide parking district changes was brought up after the IBEC DEIR public comment period closed on March 24, 2020. The language of the Ordinance itself mentions that the Ordinance and the proposed changes are interrelated with the IBEC Project and are to address the parking issues associated with the foreseeable events upon the implementation and operation of the IBEC Project. Yet, the IBEC DEIR does not mention the sweeping citywide parking regulation changes, which will significantly limit public right to park on residential streets. To the contrary, the IBEC DEIR claimed that the Project would reduce traffic by 15% due to the Project's proximity to Metro and shuttle services.

We therefore object to the City's adoption of the Citywide Permit Parking Districts Program and the associated Ordinance under Agenda Item No. O-1 because of piecemealing from the IBEC Project, and request that the analysis of the impacts of the parking ordinance be included in the IBEC Project DEIR. We also request that the IBEC Project DEIR be recirculated under CEQA Guidelines Sec. 15088.5(a), to address the significant change related to the changes in the parking regulations to further the IBEC Project.

Thank you. .

Naira Soghatyan, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Naira@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

=====
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (626-449-4200), and delete the original message. Thank you.
=====

06-09-20 City Council Meeting



City of Inglewood Government was live.

June 9 at 1:51 PM ·

Inglewood City Council Meeting of 06-09-20

2.1K Views

5 Likes145 Comments10 Shares

Share Download

Newest

Ericka Chancellor, Candace Hardy, Sentoria Green and 2 others like this.

10 Shares

Comments

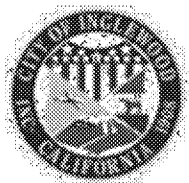


City of Inglewood Government · 1:46 Today's City Council Agenda:

<https://www.cityofinglewood.org/.../Agenda/06092020-3105...>

Manage

Web Sites: www.cityofinglewood.org www.cityofinglewood.org/253/Successor-Agency www.cityofinglewood.org/688/Housing-Authority www.cityofinglewood.org/654/Finance-Authority www.cityofinglewood.org/839/Parking-Authority



cityofinglewood.org

Agenda - 06/09/2020

Web Sites: www.cityofinglewood.org www.ci...

Web Sites: www.cityofinglewood.org www.cityofinglewood.org/253/Successor-Agency www.cityofinglewood.org/688/Housing-Authority www.cityofinglewood.org/654/Finance-Authority www.cityofinglewood.org/839/Parking-Authority

2d · Edited



Cal Kelly · 5:13 The access code for the public call in isn't working.

Manage

2d



Cal Kelly · 5:21 do you have one that we can use to dial in?

Manage

2d



Trisha Sanchez · 6:18 Good Afternoon everyone

Manage

2d



April Hooper · 8:30 I cannot get in with the access code either. I would like to leave a comment against amending the general plan affecting the density rate. I think it is PH2. Please also explain the implications of the plan.

Manage

2d



Marvin Mccoy · 8:43 Well surprise!! Surprise

Manage

2d



Denise Gonzales · 11:21 Maybe you have access when it actually starts. Make sure you screen shot your concerns or issues with phoning in. We need to let them know if their system is not working.

Manage

2d



April Hooper · 13:34 Where do we leave public comments? My comment was not read to the council!

[Manage](#)

[2d](#)



Cal Kelly · 13:44 We can't get into the phone lines!!

[Manage](#)

[2d](#)



2UrbanGirls · 14:18 Residents complaining the numbers provided in the public hearing notice didn't work

[Manage](#)

[2d](#)



Fabio Silva · 14:10 No attendees on queue?

[Manage](#)

[2d](#)



Lynn Wallace · 6:25 The access # does not work. There is no way to call in.

[Manage](#)

[2d](#)



Fabio Silva · 15:39 Anyone near city hall and can join meeting to let them know call in numbers don't work?

[Manage](#)

[2d](#)



Janell Carla Williams · 16:07 [City of Inglewood Government](#) please advise the residents in the chat who indicated an inability to get in and advise the meeting. They have every right to be heard and the technical difficulties need to be addressed quickly

[Manage](#)

[2d](#)

Louis Ettiene Robert Keene · 16:08 Following

Manage

2d



City of Inglewood Government · 16:13 Members of the public can participate telephonically to submit public comments on agenda items, public hearings, and/or City business by dialing 1-877-369-5243 or 1-617-668-3633 (Access Code 0995996##).

Manage

2d



Cal Kelly · 16:08 exactly Denise!

Manage

2d



Denise Gonzales · 16:05 They should have someone monitoring the FB page

Manage

2d



City of Inglewood Government · 16:55 We do, and we are. :-)

Manage

2d



Fabio Silva · 16:41 They ignore FB comments.

Manage

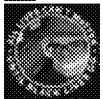
2d



City of Inglewood Government · 17:11 We do not. :-)

Manage

2d



Fabio Silva · 17:30 Pound sign has to be pressed twice?

Manage

2d



Cal Kelly · 17:32 I've done that several times and I'm still not able to dial in

[Manage](#)

2d



Cal Kelly · 17:38 the access code doesn't work

[Manage](#)

2d



Fabio Silva · 18:01 18773695243

[Manage](#)

2d



Lynn Wallace · 18:21 The access code does not work

[Manage](#)

2d



April Hooper · 18:20 Those are the numbers I called. They don't work

[Manage](#)

2d



Trisha Sanchez · 18:50 Thank you Mayor

[Manage](#)

2d



Janell Carla Williams · 18:57 that access code comes up as invalid, [City of Inglewood Government](#) please try calling this does not work

[Manage](#)

2d



Fabio Silva · 19:15 18773695242 code 0833144#

[Manage](#)

2d



2UrbanGirls · 19:24 0995996 access code does NOT work!

[Manage](#)

2d



2UrbanGirls · 19:59 You see how the City Clerk intentionally gave out the incorrect access code?

Manage

2d



Cal Kelly · 19:44 okay, thank you

Manage

2d



Cal Kelly · 19:46 that worked for me

Manage

2d



Fabio Silva · 22:49 Where do the two #s come fro? We're first told one # and now it is two #s. What is it?

Manage

2d



City of Inglewood Government · 23:53 Press # then wait a second, and press # again.

Manage

2d



Amanda Charlotte Rollins · 25:57 What is the phone number and code for? Is that to call in?

Manage

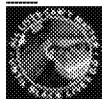
2d



2UrbanGirls · 28:18 It's only one # sign

Manage

2d



Fabio Silva · 28:16 Did the code change yet again?

Manage

2d



Amanda Charlotte Rollins · 25:07 I live in Inglewood, never logged into one of these before, are these just city goals?

[Manage](#)

2d



Alexis Sarahi Aceves · 0:46 Amanda Charlotte Rollins welcome 🙏 hope you keep coming. It's needed for more residents to join and be heard.

[Manage](#)

2d



Fabio Silva · 28:58 Why is this such a mess? Please provide us, definitively, what the call-in numbers are and the complete codes for each number.

[Manage](#)

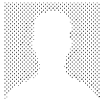
2d



2UrbanGirls · 29:18 Morales just made a motion to move and adopt PH1, PH2 & 3

[Manage](#)

2d



Gilbert Mathieu · 30:13 THAT IS B S MAYOR BUTTS CODE CHANGED MAN UP U BEING PLAYED

[Manage](#)

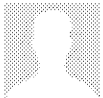
2d



2UrbanGirls · 30:58 Is he gonna say what the changes are on pages 2-5 and 8-9?

[Manage](#)

2d



Gilbert Mathieu · 32:41 MAKE SURE HAVE MID YEAR SUDGET ORALLYO RECIEVE AND FILE

[Manage](#)

2d



Denise Gonzales · 33:45 Do we really want dense development considering the recent pandemic. There is a reason so many people died in New York.

[Manage](#)

[2d](#)



Cal Kelly · 34:59 3.02 people per unit seems reasonable, but, how are we defining a unit?

[Manage](#)

[2d](#)



Cal Kelly · 35:13 Obviously 3 people in a studio isn't great

[Manage](#)

[2d](#)



Fabio Silva · 32:31 Cit of Inglewood Government: Please provide us, definitively, what the call-in numbers are and the complete codes for each number.

[Manage](#)

[2d](#)



Janell Carla Williams · 35:31 [City of Inglewood Government](#) can you please post and pin the current numbers to eliminate any additional confusion and ensure all have a chance to voice their thoughts.

[Manage](#)

[2d](#)



Amanda Charlotte Rollins · 36:22 this is what i heard them say last but who really know...
(877)369-5243 - 0833144 # then # again

[Manage](#)

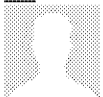
[2d](#) · Edited



Reina Rose · 36:34 Would someone pls post a working access code??

[Manage](#)

[2d](#)



Gilbert Mathieu · 36:46 MAYOR THE COMMUNITY IS WITH YOU/ WE ARE BETTER CITY THAN MOST/WE WILL THRIVE/SURVIVE GIL

[Manage](#)

2d



Janell Carla Williams · 37:01 8773695423 - code 0833144# #

[Manage](#)

2d



Trisha Sanchez · 36:56 Thank You Mayor again

[Manage](#)

2d



Fabio Silva · 37:24 1-877-369-5243, code 0833144, then press #, then press # again.

[Manage](#)

2d



Fabio Silva · 38:46 City of Inglewood: Why is Mayor Butts refusing to listen? He clearly has no interest in listening to any public comment, and there are in fact obstacles to participation.

[Manage](#)

2d



Denise Gonzales · 39:14 This is not a questions and answers forum

[Manage](#)

2d



Trisha Sanchez · 39:36 Yes!

[Manage](#)

2d



Reina Rose · 39:41 Thank you for code.

[Manage](#)

2d



LaWanda Morris · 39:50 was there a questions and answer forum?

[Manage](#)

[2d](#)



Denise Gonzales · 40:18 Who knows

[Manage](#)

[2d](#)



Trisha Sanchez · 40:39 Thank you for allowing Clarification from FB Comments

[Manage](#)

[2d](#)

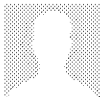


Fabio Silva · 35:41 Cit of Inglewood Government: Please provide us, definitively, what the call-in numbers are and the complete codes for each number. We heard again that it is 877-369-5243, with code 0833144, but Butts gave a different code.

[Manage](#)

[2d](#)

[1 Reply](#)



Gilbert Mathieu · 41:42 butts DO NOT GET IN THE B S NEED BETTER HOOK UP THRU SPECTRUM U BEING A TARGET

[Manage](#)

[2d](#)



2UrbanGirls · 41:58 Thank you for answering my question

[Manage](#)

[2d](#)



April Hooper · 42:05 The phone operator muted me so my comment was not heard

[Manage](#)

[2d](#)



Fabio Silva · 43:01 Public comment period should be kept open given the numerous difficulties faced for call-ins.

[Manage](#)

[2d](#)

[1 Reply](#)



Cal Kelly · 44:17 And no one else was able to speak on the call?

[Manage](#)

[2d](#)



Fabio Silva · 46:39 one person got through. Mayor Butts told her that her call wasn't timely. A second call got through, and he told her that she can't ask questions. She didn't have a comment, so call ended.

[Manage](#)

[2d](#)



Trisha Sanchez · 35:21 When she called her conversation was all broken up ! I couldn't understand what she saying ? It was definitely unclear. Mayor did tell her to call back ☐♀☐

[Manage](#)

[2d](#)



[City of Inglewood Government](#) · 49:39 Please utilize the City Council Meeting Agenda link in the comment section that was provided at the beginning of the meeting. It will redirect you to the agenda which contains the call in number (in this case it was incorrect) as well as the email if you wish to submit comments via email. That email is yhorton@cityofinglewood.org

[Manage](#)

[2d](#)



[City of Inglewood Government](#) · 50:37 All of this information is provided prior to the start of the meeting. If you prefer to have this information distributed earlier, send an email to yhorton@cityofinglewood.org and make your request heard.

[Manage](#)

[2d](#)



Trisha Sanchez · 37:50 Definitely a Process

[Manage](#)

[2d](#)



Cal Kelly · 43:43 wait, did they consider the public comment sent in via email? I didn't hear anything about that and my wife sent something in on Sunday

[Manage](#)

2d



Fabio Silva · 44:33 They made no mention of any emails.

[Manage](#)

2d



Marvin Mccoy · 44:33 They should

[Manage](#)

2d



City of Inglewood Government · 53:04 yhorton@cityofinglewood.org is the email to submit comments and questions. Did your wife use that email?

[Manage](#)

2d



Cal Kelly · 51:01 I was the one that called in with the question and was told that this wasn't the space for Q&A. I could barely speak because the feedback on the call was so distracting, no wonder none of you could hear me.

[Manage](#)

2d



City of Inglewood Government · 51:27 Were you watching the meeting and talking at the same time?

[Manage](#)

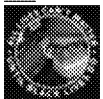
2d



Trisha Sanchez · 39:46 Good question!

[Manage](#)

2d



Fabio Silva · 54:04 Public commentators are admonished for not having their masks on. But Mayor Butts is exempt?

[Manage](#)

2d



Cal Kelly · 52:23 City Of Inglewood: My wife emailed both Yvonne and APhillips prior to the meeting. I'm unclear if her comments were considered and what the outcome of the General Plan ammendment was b/c the phone line went silent and when it was active again they'd moved on.

[Manage](#)

2d



City of Inglewood Government · 55:17 Did you use this email yhorton@cityofinglewood.org ?

[Manage](#)

2d



Cal Kelly · 56:12 Yes, they were sent to that email on Sunday along with aphillips@cityofinglewood.org

[Manage](#)

2d



Denise Gonzales · 56:11 Cal Kelly you voice was definitely distorted. We could not make out what you were saying.

[Manage](#)

2d



Cal Kelly · 56:22 these were the emails provided in the public hearing agenda

[Manage](#)

2d



Fabio Silva · 57:29 Could you paste content of emails in comments on this live feed?

[Manage](#)

2d



Cal Kelly · 54:19 Re: your question, yes, she did use that email. Also, re: your other question, I have the live stream happening on my computer and the volume all the way down. I'm using my phone for audio. I heard a lot of feedback anyway on the phone line with another resident dialed in so I think there is an issue with the service.

[Manage](#)

2d



Trisha Sanchez · 41:36 Could be !

[Manage](#)

2d



April Hooper · 56:14 I agree with Cal. I was the one who got through the first time and the echo was so bad I couldn't think. I did not have the sound up. Then I couldn't speak on the hearing that I wanted to speak on because the operator kept telling me to unmute my phone. It was unmuted. I checked. It was on their end.

[Manage](#)

2d



City of Inglewood Government · 59:54 Thanks for the feedback. We are going to look into the issue and see what happened.

[Manage](#)

2d



Trisha Sanchez · 47:57 Thank You for following through with the calls and emails.

[Manage](#)

2d



City of Inglewood Government · 54:05 CALL IN NUMBER- (877)369-5243
ACCESS CODE =0833144

[Manage](#)

2d



Gilbert Mathieu · 1:05:06 DO NOT recognize code/dump facebook/ go to SPECTRUM
MAYOR BUTTS U ARE BEING PLAYED/THESE ARE SHARKS/HAVE COMMENTS
CALL 323 854 0114 WILL TALK THRU YO MIKE OR PHONE/ GIL

[Manage](#)

2d



Cal Kelly · 1:07:15 okay, thank you!

[Manage](#)

2d



Cal Kelly · 57:46 Sounds like April had the same issue earlier when she spoke and then further issue when trying to comment at the Gen. Plan discussion. There is clearly an issue with the phone service.

[Manage](#)

2d



Fabio Silva · 59:36 I'm much more skeptical. Would not be surprised if Council purposely use weak VOIP telephone lines, in order to frustrate callers.

[Manage](#)

2d



[City of Inglewood Government](#) · 1:07:59 Fabio Silva ? Please stop. That is not true. This is a new process considering the COVID pandemic, we are trying our best to navigate. Please continue to call in or submit questions via email.

[Manage](#)

2d



[2UrbanGirls](#) · 1:08:57 Here is where you get taxed for the people mover

[Manage](#)

2d



[2UrbanGirls](#) · 1:09:04 Approved unanimously

[Manage](#)

2d



Cal Kelly · 1:09:12 yes, thank you very much

[Manage](#)

2d



Cal Kelly · 1:01:27 City of Inglewood: Thank you. Is it possible to have the council address whether/not they've reviewed public comments emailed for the General Plan before the end of the meeting? Also, were the changes approved?

[Manage](#)

2d



[City of Inglewood Government](#) · 1:05:17 We will submit this comment to the Council. Can not guarantee they will address.

[Manage](#)

[2d](#)



[City of Inglewood Government](#) · 1:08:27 He just addressed your question.

[Manage](#)

[2d](#)



[City of Inglewood Government](#) · 1:08:37 Did that provide clarity?

[Manage](#)

[2d](#)



Trisha Sanchez · 53:37 Yes !! Mayor asked again and clarified public Comments and emails

[Manage](#)

[2d](#) · [Edited](#)



Fabio Silva · 1:12:38 They better get it right the first time. The cost of replacing signs is not cheap.

[Manage](#)

[2d](#)



Denise Gonzales · 58:47 Is this the first FB live? Just wondering what previous experiences have been. This is my first time.

[Manage](#)

[2d](#)



[City of Inglewood Government](#) · 1:12:56 This is not. We hold FB Live Council meetings regularly. However, incorporating the call in functionality is new and we are working through the technical issues.

[Manage](#)

[2d](#)



Marie De Luna Marcial · 1:15:31 Woo! \$400k! What position?

[Manage](#)

2d



Fabio Silva · 1:16:18 I love this woman. She shows up! She calls people out! She holds their feet to the fire! She is an example of Democracy that most of us (including myself) are too lazy to do.

[Manage](#)

2d



Marie De Luna Marcial · 40:04 Fabio Silva who is she?

[Manage](#)

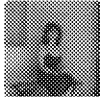
2d



Sonya Stoneham · 1:16:59 She from that old school. I love it too

[Manage](#)

2d

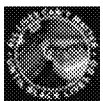


Trisha Sanchez · 1:16:48 She Complains too much !!

[Manage](#)

2d

[1 Reply](#)



Fabio Silva · 1:17:29 I don't know. I want her name on a t-shirt. MS. BROWN!!

[Manage](#)

2d



Sonya Stoneham · 1:18:07 Me too

[Manage](#)

2d



Trisha Sanchez · 1:17:20 Maria the Treasurer time for her go !!!!!

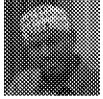
[Manage](#)

2d



Marie De Luna Marcial · 41:34 Trisha Sanchez not sure what you are saying. Can you clarify?
[Manage](#)

2d



Marvin Mccoy · 1:18:52 What a hell of a meeting
[Manage](#)

2d



Fabio Silva · 1:19:55 Nobody queued up because council is using cans and string for call-ins.
[Manage](#)

2d

[1 Reply](#)



Trisha Sanchez · 1:19:08 Thanked God City treasurer Get off the Podium!
[Manage](#)

2d



Marvin Mccoy · 1:21:25 You work for the city
[Manage](#)

2d



Victoria Preciado · 1:21:35 Congratulations Malik! Soooo proud of you!
[Manage](#)

2d



Trisha Sanchez · 1:21:36 Congratulations 🎉🎊
[Manage](#)

2d



Sonya Stoneham · 1:24:35 Thank you
[Manage](#)

2d



Sonya Stoneham · 1:25:14 Yes please.

[Manage](#)

[2d](#)



Denise Gonzales · 1:23:27 Peggy Aldridge they have been cutting off her speaking time for the past few months. So wrong. It's good citizens can see this online.

[Manage](#)

[2d](#)



Marie De Luna Marcial · 48:36 Denise Gonzales if they only give her three minutes, people should support and line up right behind her and continue the speak.

[Manage](#)

[2d](#)



Denise Gonzales · 1:25:59 I agree. This is about the City's finances. They fail to be transparent.

[Manage](#)

[2d](#)



Denise Gonzales · 1:24:23 It's out there Marie. You just have to read the articles.

[Manage](#)

[2d](#)



Marie De Luna Marcial · 50:02 Denise Gonzales when those articles come out, I likely miss them, please send them my way, so I can catch up.

[Manage](#)

[2d](#)



Denise Gonzales · 1:22:03 Someone needs to hold this city financial accountable.

[Manage](#)

[2d](#)



Marie De Luna Marcial · 47:04 Denise Gonzales I'd like to hear more.

[Manage](#)

[2d](#)



April Hooper · 1:27:02 2UrbanGirls has written about the disputes between them.

[Manage](#)

2d

[View more replies](#)



Denise Gonzales · 1:28:39 Un-silence Wanda Brown

[Manage](#)

2d



Denise Gonzales · 1:29:59 Ultimately you have the power to change the fireworks situation.

[Manage](#)

2d



LaWanda Morris · 1:30:13 We all need to take a closer look at Inglewood Finances.

[Manage](#)

2d



LaWanda Morris · 1:30:36 I'll be searching the website for published information

[Manage](#)

2d



Candace Hardy · 1:24:31 When will we start hiring for Sifi Stadium

[Manage](#)

2d



City of Inglewood Government · 1:26:28 Hiring is happening already.

<http://lastadiumathp.com/opportunities/>

[Manage](#)

[SoFi Stadium and Hollywood Park](#)

lastadiumathp.com

[Opportunities | SoFi Stadium...](#)

SoFi Stadium and Hollywood Park

2d



Candace Hardy · 0:16 Thank you

Manage

2d



Fabio Silva · 1:30:48 Did anyone catch that firework number?

Manage

2d

1 Reply



Marvin Mccoy · 1:31:50 He's the Mayor's puppet

Manage

2d



Marvin Mccoy · 1:32:04 As is the council

Manage

2d



Marvin Mccoy · 1:32:58 This Mayor is extra

Manage

2d



Marvin Mccoy · 1:33:13 Get to the Treasurer report

Manage

2d



Marvin Mccoy · 1:33:24 Always self glorifying

Manage

2d



Marie De Luna Marcial · 1:32:30 Are there no women on the council?

[Manage](#)

[2d](#)



Ana Mendez · 56:21 Omg, that's exactly what I was going to post. This is all macho men.

[Manage](#)

[2d](#)



Denise Gonzales · 1:30:55 Yes Fabio Silva, it was your number and that's why you missed it ;)

[Manage](#)

[2d](#)



Fabio Silva · 1:31:43 I'm switching over to cans and string too, like the city council

[Manage](#)

[2d](#)



Marie De Luna Marcial · 56:46 Fabio Silva

[Manage](#)

[Download this video](#)

[GIPHY](#)

[2d](#)



Denise Gonzales · 1:27:43 April Hooper, yes and Daily Breeze. This does not happen in any other city in So. Cal. So wrong.

[Manage](#)

[2d](#)



Ana Mendez · 58:13 Denise Gonzales, what doesn't happen in any other city?

[Manage](#)

[2d](#)



Amanda Charlotte Rollins · 1:36:53 nobody knows where they are coming from, and it's 2am, no way i am knocking on anybody's door over a firework lol

[Manage](#)

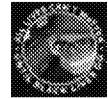
2d



Sonya Stoneham · 1:37:25 So true

[Manage](#)

2d



Fabio Silva · 1:37:31 So, we're supposed to be okay with fireworks because we're all now safe? Is my house safe when a firework lands on my roof?

[Manage](#)

2d



Denise Gonzales · 1:37:43 Trisha, in all fairness the men did not treat Judy well. She definitely had her shortcomings but she at least kept us somewhat informed. I feel like this council does not provide enough transparency - especially when it comes to the future of our city. City Council meetings on a Tuesday at 2:00 is a pretty good example.

[Manage](#)

2d



Amanda Charlotte Rollins · 1:37:58 yea it's scary at first! i have a 3 year old daughter and she is really afraid of them and we have to keep her window open cause it's too hot to sleep

[Manage](#)

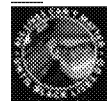
2d



Mose Tyler · 1:38:28 A search warrant to go into people's house searching for fireworks are they serious police time could be utilized in a more logical way

[Manage](#)

2d



Fabio Silva · 1:39:11 My neighbors are nasty, and I'm supposed to walk over there and ask them nicely to stop closing off the street and launching fireworks into the sky? This isn't Mayberry Mayor Butts.

[Manage](#)

2d



Denise Gonzales · 1:39:31 About the same salary his old assistant was getting.

[Manage](#)

[2d](#)



Marvin Mccoy · 1:40:53 Are u serious Mayor?

[Manage](#)

[2d](#)



Janell Carla Williams · 1:41:35 This feels highly inappropriate

[Manage](#)

[2d](#)



Fabio Silva · 1:42:02 And in the name of George Floyd!

[Manage](#)

[2d](#)



Amanda Charlotte Rollins · 0:00 welp, glad to have joined you all, my first meeting here, kinda confused but maybe i'll catch on

[Manage](#)

[2d](#)



Ana Mendez · 1:04:20 .

[Manage](#)

[2d](#)



Ana Mendez · 1:40:38 who knows how much money these elected officials make?

[Manage](#)

[2d](#)



Marie De Luna Marcial · 1:04:29 Ana Mendez it should be posted somewhere. It public info. Look it up.

[Manage](#)

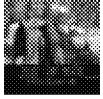
[2d](#)



Ana Mendez · 0:00 Marie De Luna Marcial, can you see this post?

[Manage](#)

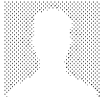
[2d](#)



Venera Johnson · 0:33 What time does or did it start?

[Manage](#)

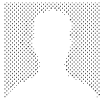
[2d](#)



Gilbert Mathieu · 6:43 TOTAL B S B UTTS AFRAID OF RESIDENTS COMMMENTS

[Manage](#)

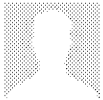
[1d](#)



Gilbert Mathieu · 28:36 GEORGE FLOYD HAD HOMECOMING CELEBRATION TODAY/
WAT DE F*** IS WRONG WIT U?

[Manage](#)

[1d](#)



Gilbert Mathieu · 35:17 WHEN ARE TE LOCAL 3ELECTIONS?

[Manage](#)

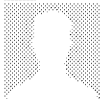
[1d](#)



Alesia Ellis · 1:08 Thank you 😊

[Manage](#)

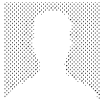
[1d](#)



Gilbert Mathieu · 38:00 IS TRUMP THE OPERATOR FOR PHONE?

[Manage](#)

[1d](#)



Gilbert Mathieu · 45:52 JIMMY U ARE SWIMMING WITH SHARKS/OUT YO LANE BRO/
YOUR ADMINISTRATIVE STAFF WEAK AND WILL BAIL OUT/ 10/4

[Manage](#)

[1d](#)



Cal Kelly · 46:55 City of Inglewood: We have no idea if your council has considered the emails sent about the General Plan Amendments. In fact, I couldn't even hear the end of the discussion re: the General Plan because we are having so many issues with the public phone line provided. I believe others wanted to speak, yet that was not resolved. Please address this before the end of the public hearing.

[Manage](#)

[2d](#)



Denise Gonzales · 0:00 Cal Kelly and yet they approved it

[Manage](#)

[1d](#)



Denise Gonzales · 0:00 See you next week! Let's keep our city officials accountable.

[Manage](#)

[1d](#) · [Edited](#)



Amanda Charlotte Rollins · 1:39:31 question... so why do they happen in this city more than most? I've lived all over LA and they seem to happen more here than anywhere else i have lived. Is it just cause they are legal here?

[Manage](#)

[2d](#)



Fabio Silva · 1:40:11 Butts says it's "cultural". His words.

[Manage](#)

[2d](#)



Celi Gonzalez · 0:00 Fabio Silva that is true. Cultural is correct.

[Manage](#)

[1d](#)



April Hooper · 1:19:52 Hushing people by calling them complainers. Wow! That's why we protest!! Trisha, please show some respect.

[Manage](#)

[2d](#)



Fabio Silva · 1:28:07 Trisha is good people. She watches these things often, and I applaud her. I can see why she might be tired of listening to Ms. Brown. In a year from now, I might be a bit tired of it myself. But, I have to remind myself -- she is there and I am not! She is exercising her right to comment!

[Manage](#)

2d



Fabio Silva · 1:30:25 Did anyone catch that firework number?

[Manage](#)

2d



Trisha Sanchez · 0:00 Fabio, Thank You! ♥☐I am a good person . Listen I stop watching the City Council Meetings when Judy Dunlap was on the Council. She was so negative!! It was hard to sit and watch .

[Manage](#)

2d



Simone Price · 0:20 So the fireworks hotline is a run around number, I believe it is 310-412-4333 (According to the newsletter I received from my councilman). When you call it, the voicemail is full, you get rerouted to the city hall clerk, they referred me to the Eye on ... [See](#)

[More](#)

[Manage](#)

1d



April Hooper · 0:00 Simone Price I think it was toward the end when each of the council people were making their closing comments

[Manage](#)

1d



April Hooper · 1:40:50 Trisha and Fabio, I couldn't reply in the thread. . I have a feeling that we have more in common than we have differences. And I think together we could get a lot done for our city. But, I don't think it helps to call her a "complainer". I too have been watching the city council meetings since the Judy Dunlap days. But, isn

[Manage](#)

2d



April Hooper · 1:41:21 Isn't it just as negative to call Ms Brown a complainer?

Manage

2d



English Orange · 0:00 April Hooper I like Ms. Brown. I wanted to hear more. Can you tell me who she is?

Manage

21h

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 4



INGLEWOOD, CALIFORNIA

Tuesday, June 16, 2020
2:00 P.M.



Web Sites:

www.cityofinglewood.org
www.cityofinglewood.org/253/Successor-Agency
www.cityofinglewood.org/688/Housing-Authority
www.cityofinglewood.org/654/Finance-Authority
www.cityofinglewood.org/839/Parking-Authority

*****NOTE FROM THE CITY: PUBLIC PARTICIPATION: Pursuant to Executive N-29-20, which suspends portions of the Brown Act, and given the current health concerns, members of the public can access meetings live on-line, with audio and limited video, at <https://www.facebook.com/cityofinglewood> and on Spectrum Cable Channel 35. In addition, members of the public can participate telephonically to submit public comments on agenda items, public hearings, and/or City business by dialing 1-877-369-5243 or 1-617-668-3633 (Access Code 0995996##). The conference begins at 1:30 p.m., Pacific Time on June 16, 2020, and all interested parties may join the conference 5 minutes prior. Should any person need assistance with audio, please dial 889-796-6118.

Should you choose to submit comments electronically for consideration by the Inglewood City Council/Successor Agency/Housing Authority/Finance Authority/Parking Authority/Joint Powers Authority (Legislative Body) by sending them to the City Clerk/Secretary at yhorton@cityofinglewood.org, and Deputy City Clerk at aphillips@cityofinglewood.org. To ensure distribution to the members of the Legislative Body prior to consideration of the agenda, please submit comments prior to 12:00 P.M. the day of the meeting, and in the body of the email, please identify the agenda number or subject matter. Those comments, as well as any comments received after 12:00 P.M., will be distributed to the members of the Legislative Body and will be made part of the official public record of the meeting. Contact the Office of the City Clerk at 310-412-5280 with any questions.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Office of the City Clerk by telephone at 310-412-5280 or via email to yhorton@cityofinglewood.org no later than 10:00 AM on the day of the scheduled meeting.

AGENDA

CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY

MAYOR/CHAIRMAN

James T. Butts, Jr.

COUNCIL/AGENCY/AUTHORITY MEMBERS

George W. Dotson, District No. 1

Alex Padilla, District No. 2

Eloy Morales, Jr., District No. 3

Ralph L. Franklin, District No. 4

CITY CLERK/SECRETARY

Yvonne Horton

CITY TREASURER/TREASURER

Wanda M. Brown

CITY MANAGER/EXECUTIVE DIRECTOR

Artie Fields

CITY ATTORNEY/GENERAL COUNSEL

Kenneth R. Campos

OPENING CEREMONIES – 2:00 P.M.

Call to Order

Pledge of Allegiance

Roll Call

PUBLIC COMMENTS REGARDING AGENDA ITEMS

Persons wishing to address the Inglewood City Council/Successor Agency/Housing Authority on any item on today's agendas, may do so at this time.

WARRANTS AND BILLS (City Council/Successor Agency/Housing Authority)

1. CSA-1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

CONSENT CALENDAR

These items will be acted upon as a whole unless called upon by a Council Member.

2. POLICE DEPARTMENT

Staff report recommending authorization to pay invoices submitted by Thomson Reuters for access to the West Information Services database. (General Fund)

Documents:

2.PDF

3. PUBLIC WORKS DEPARTMENT

Staff report recommending the approval of a Cooperative Purchase Agreement (piggyback), RFP No. 120716-NAF, with National Auto Fleet Group and Sourcewell, formerly National Joint Power Alliance (a public agency) for the purchase of five vehicles for the Housing Protection Department. (General Fund)

Documents:

3.PDF

4. PUBLIC WORKS DEPARTMENT

Staff report recommending approval of a Cooperative Purchase Agreement (piggyback), Contract No. 062916-GPC, with Genuine Parts Company, dba NAPA Auto Parts through Sourcewell, formerly National Joint Powers Alliance (a public agency). (General Fund)

Documents:

4.PDF

5. PUBLIC WORKS DEPARTMENT

Staff report recommending approval of an agreement with HF&H Consultants, LLC (HF&H) to assist the City of Inglewood with contract negotiations for Consolidated Disposal Service/Republic Services (CDS). (Sanitation Fund)

Documents:

5.PDF

DEPARTMENTAL REPORTS

DR-1. CITY CLERK'S OFFICE

Staff report recommending adoption of resolutions pertaining to the General Municipal Election to be held on November 3, 2020.

Documents:

DR-1.PDF

DR-2 & CSA-2. CITY MANAGER/EXECUTIVE DIRECTOR'S OFFICE

Staff report recommending authorization to utilize Tax-Exempt Bond funds to fund the remaining payment for work performed by TL Veterans Constructions, Inc., at Parking Structure No. 2 located at 115 North Locust Street.

Documents:

DR-2, CSA-2.PDF

DR-3. SECTION 8, HOUSING & CDBG DEPARTMENT

Staff report recommending approval to reallocate \$500,000 in HOME funds for the Homeless Tenant-Based Rental Assistance Program.

Documents:

DR-3.PDF

SETTING PUBLIC HEARING

SPH-1. ECONOMICS & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report requesting that a public hearing be set to consider the adoption of a resolution establishing Short Term Rental Fees.

Documents:

SPH-1.PDF

SPH-2. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report requesting that a public hearing be set to reconsider adoption of a Categorical Exemption EA-CE-2020-36 and General Plan Amendment GPA 2020-01 to Adopt an Environmental Justice Element of the General Plan.

Documents:

SPH-2.PDF

SPH-3. ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

Staff report requesting that a public hearing be set to reconsider adoption of a Categorical Exemption EA-CE-2020-37 and General Plan Amendment GPA 2020-02 to amend the Land Use Element of the Inglewood Comprehensive General to clarify existing population density and building intensity allowances for all land use designations.

Documents:

ORDINANCES

O-1. PUBLIC WORKS DEPARTMENT

Staff report recommending the adoption of Ordinance No. 20-09 amending Chapter 3 of the Inglewood Municipal Code (IMC) to implement a Citywide Permit Parking Districts Program. (Introduced on June 9, 2020)

Documents:

O-1.PDF

REPORTS – CITY ATTORNEY

A-1. Oral reports – City Attorney.

REPORTS – CITY MANAGER

CM-1. Oral reports – City Manager.

REPORTS – CITY CLERK

CC-1. Oral reports – City Clerk.

REPORTS – CITY TREASURER

CT-1. Oral reports – City Treasurer.

INGLEWOOD SUCCESSOR AGENCY

Call To Order

CSA-1, 1 & H-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

CSA-2 & DR-2. CITY MANAGER/EXECUTIVE DIRECTOR'S OFFICE

Staff report recommending authorization to utilize Tax-Exempt Bond funds to fund the remaining payment for work performed by TL Veterans Constructions, Inc., at Parking Structure No. 2 located at 115 North Locust Street.

Documents:

DR-2, CSA-2.PDF

ADJOURNMENT INGLEWOOD SUCCESSOR AGENCY

INGLEWOOD HOUSING AUTHORITY

Call To Order

H-1, 1 & CSA-1.

Warrant Registers.

Documents:

1, CSA-1, H-1.PDF

ADJOURNMENT INGLEWOOD HOUSING AUTHORITY

APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

PUBLIC COMMENTS REGARDING OTHER MATTERS

Persons wishing to address the City Council on any matter connected with City business not elsewhere considered on the agenda may do so at this time. Persons with complaints regarding City management or departmental operations are requested to submit those complaints first to the City Manager for resolution.

MAYOR AND COUNCIL REMARKS

The members of the City Council will provide oral reports, including reports on City related travels where lodging expenses are incurred, and/or address any matters they deem of general interest to the public.

ADJOURNMENT CITY COUNCIL

In the event that today's meeting of the City Council is not held, or is concluded prior to a public hearing or other agenda item being considered, the public hearing or non-public hearing agenda item will automatically be continued to the next regularly scheduled City Council meeting. If you will require special accommodations, due to a disability, please contact the Office of the City Clerk at (310) 412-5280 or FAX (310) 412-5533, One Manchester Boulevard, First Floor, Inglewood City Hall, Inglewood, CA 90301. All requests for special accommodations must be received 72 hours prior to the day of the Council Meetings.



CITY OF INGLEWOOD

OFFICE OF THE CITY MANAGER



DATE: June 16, 2020

TO: Mayor and Council Members

FROM: Economic and Community Development Department

SUBJECT: Set Public Hearing – General Plan Amendment GPA 2020-01 to Adopt Environmental Justice Element of the General Plan

RECOMMENDATION:

It is recommended that the Mayor and Council Members set a public hearing for June 30, 2020, at 2:00 p.m. to reconsider adoption of a Categorical Exemption EA-CE-2020-36 and General Plan Amendment GPA 2020-01 to Adopt an Environmental Justice Element of the General Plan.

BACKGROUND:

On September 24, 2016, Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, was signed into law mandating that cities and counties adopt an environmental justice (EJ) element or integrate EJ goals, objectives, and policies into other elements of their General Plans.

Municipalities are to adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

On June 9, 2020, the City Council considered and determined to approve and adopt the Environmental Justice Element to the Inglewood General Plan. However, during the City Council meeting, staff received a comment letter pertaining to the public's ability to provide comment during the meeting. To address the comments outlined in the letter and to ensure adequate opportunity for public comment, the General Plan Amendment will be re-noticed and presented for the City Council's reconsideration.

DISCUSSION:

In anticipation that future, current and long range planning projects could trigger the Environmental Justice Element compliance requirements, the City decided to proactively adopt an Environmental Justice Element ahead of State-mandated deadlines to address important land use and equity issues throughout the City.

The City commenced preparation of the Environmental Justice Element in October 2018. The City and consultant conducted several outreach sessions to gain public input on environmental justice issues in the City and how they should be addressed. On January 17, 2019, a Community Workshop was conducted with over 40 residents and other interested stakeholders in attendance.

SPH-2

On February 26, 2019, additional input was provided at two Focus Group meetings conducted in English and Spanish. Participants provided valuable discussion on a variety of environmental equity topics.

The Inglewood General Plan Environmental Justice Element sets forward goals and policies related to ensuring environmental justice in the City. In adopting the Environmental Justice Element, the City is ensuring that decisions related to land use and development are made in an equitable manner and take into consideration the health and well-being of our most vulnerable populations.

The key environmental justice topic areas addressed in the element are:

1. Meaningful Public Engagement
2. Land Use and the Environment
3. Mobility and Active Living
4. Access to Healthy Food
5. Healthy and Affordable Housing
6. Public Facilities, Improvements and Programs

General Plan Consistency

The Inglewood General Plan serves as a blueprint for the physical development of the City. It sets long term physical, economic, social, and environmental goals for a jurisdiction and identifies the types of development needed to achieve those goals. The eight required 'Elements' of the General Plan (Land Use, Housing, Circulation, Conservation, Open Space, Noise, Safety, and Environmental Justice) complement each other and provide a comprehensive plan for the future of the jurisdiction. When a General Plan is developed as a comprehensive document the elements comply with and do not contradict one another. Over time, as individual elements are modified, a jurisdiction must ensure that any modifications do not conflict with any other part of the General Plan. The Draft Environmental Justice Element does not conflict with any other policies of the General Plan.

Environmental Determination

An exemption was prepared in accordance with the California Environmental Quality Act (CEQA) stating that the project will have no significant adverse impact upon the environment (EA-CE-2020-36), a copy of which has been available for review on the City's website or by email request to fljackson@cityofinglewood.org.

As recommended by resolution of the Planning Commission on April 13, 2020.

A more detailed staff report will be provided for the public hearing.

FINANCIAL/FUNDING ISSUES AND SOURCES:

There is no fiscal impact.

LEGAL REVIEW VERIFICATION:

Administrative staff has verified that the legal documents accompanying this report have been submitted to, reviewed and approved by the Office of the City Attorney.

BUDGET REVIEW VERIFICATION:

Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed and approved by the Budget Division.

FINANCE REVIEW VERIFICATION:

Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed and approved by the Finance Department.

DESCRIPTION OF ANY ATTACHMENTS:

None.

PREPARED BY:


Christopher E. Jackson, Sr., Economic and Community Development Department Director
Mindy Wilcox, AICP, Planning Manager
Fred Jackson, Senior Planner

COUNCIL PRESENTER:

Christopher E. Jackson, Sr., Economic and Community Development Department Director

APPROVAL VERIFICATION SHEET

DEPARTMENT HEAD APPROVAL:

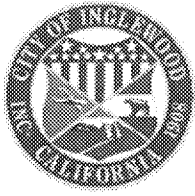


Christopher E. Jackson, Sr., Econ. & Comm. Dev. Director

CITY MANAGER APPROVAL:



Artie Fields, City Manager



CITY OF INGLEWOOD

OFFICE OF THE CITY MANAGER



DATE: June 16, 2020

TO: Mayor and Council Members

FROM: Economic and Community Development Department

SUBJECT: Set a Public Hearing – General Plan Amendment GPA 2020-02 to Amend the Land Use Element of the Inglewood Comprehensive General Map to Clarify Existing Population Density and Building Intensity Allowances for All Land Use Designations

RECOMMENDATION:

It is recommended that the Mayor and Council Members set a public hearing for June 30, 2020, at 2:00 p.m. to reconsider adoption of a Categorical Exemption EA-CE-2020-37 and General Plan Amendment GPA 2020-02 to amend the Land Use Element of the Inglewood Comprehensive General to clarify existing population density and building intensity allowances for all land use designations.

BACKGROUND:

California Government Code Section 65300 requires each city and county to adopt a comprehensive general plan. The General Plan is a long-term, comprehensive, internally consistent document that provides guidance for the physical development of a city or jurisdiction.

While the City's General Plan appears to fulfill California Planning and Zoning Law requirements, the City's General Plan was last comprehensively updated in 1987. Since that time, additional judicial interpretations of State General Plan regulations have emerged and staff, in consultation with legal land use experts, have identified one area of the General Plan that warrants clarification at this time. Specifically, the requirement that the Land Use Element include a "statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." (Gov. Code, § 65302, subd. (a).)

On June 9, 2020, the City Council considered and determined to approve the amendment to clarify existing population density and building intensity allowances for all land use designations. However, during the City Council meeting, staff received a comment letter pertaining to the public's ability to provide comment during the meeting. To address the comments outlined in the letter and to ensure adequate opportunity for public comment, the General Plan Amendment will be re-noticed and presented for the City Council's reconsideration.

DISCUSSION:

SPH-3

A general plan must contain standards for population density. Quantifiable standards of population density must be provided for each of the land use categories contained in the plan. Population density is the relationship between the number of dwellings per acre and the number of residents per dwelling.

A general plan must also contain standards for building intensity. General plans must contain quantifiable standards of building intensity for each land use designation. These standards define the most intensive use that will be allowed under each land use designation. While the land use designation identifies the type of allowable uses, the building intensity standard defines the concentration of use. Maximum dwelling units per acre is used as the standard for residential uses. Building Area Ratio (relationship between maximum floor area to the site size) is the standard used for commercial, industrial and public/quasi-public intensity.

Environmental Determination

An exemption was prepared in accordance with the California Environmental Quality Act (CEQA) stating that the project will have no significant adverse impact upon the environment (EA-CE-2020-37), a copy of which has been available for review on the City's website or by email request at fljackson@cityofinglewood.org.

As recommended for approval by resolution of the Planning Commission May 6, 2020.

A more detailed staff report will be provided for the public hearing.

FINANCIAL/FUNDING ISSUES AND SOURCES:

There is no fiscal impact.

LEGAL REVIEW VERIFICATION:

Administrative staff has verified that the documents accompanying this report have been submitted to, reviewed and approved by the Office of the City Attorney.

BUDGET REVIEW VERIFICATION:

Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed and approved by the Budget Division.

FINANCE REVIEW VERIFICATION:

Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed and approved by the Finance Department.

DESCRIPTION OF ANY ATTACHMENTS:

None.

PREPARED BY:

Christopher E. Jackson, Sr., Economic and Community Development Department Director
Mindy Wilcox, AICP, Planning Manager
Fred Jackson, Senior Planner

COUNCIL PRESENTER:

Christopher E. Jackson, Sr., Economic and Community Development Department Director

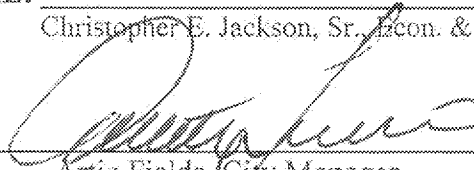
APPROVAL VERIFICATION SHEET

DEPARTMENT HEAD APPROVAL:



Christopher E. Jackson, Sr., Econ. & Comm. Dev. Director

CITY MANAGER APPROVAL:



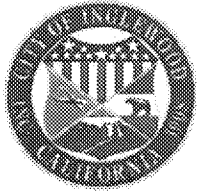
Artie Fields, City Manager

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 5



CITY OF INGLEWOOD
OFFICE OF THE CITY MANAGER



DATE: June 9, 2020
TO: Mayor and Council Members
FROM: Public Works Department
SUBJECT: Resolution Authorizing City Manager to Prepare and Submit an Application to the Local Agency Formation Commission for the County of Los Angeles

RECOMMENDATION:

It is recommended that the Mayor and Council Members adopt a resolution authorizing the City Manager to:

- 1) Prepare and submit an application to Local Agency Formation Commission for the County of Los Angeles (“LAFCO”);
- 2) Pay the application filing fee; and
- 3) Take such other steps as reasonably necessary for LAFCO to initiate proceedings for a change of organization by formation of a new community services district (excluding the entering into of any binding commitments or the incurring of any obligations of the City which must be separately authorized by the City Council).

BACKGROUND:

The City is undergoing an economic revitalization that continues to spur development, population and employment growth, which requires improvements in the City’s existing transportation infrastructure and resources. To best provide for the planning, funding, and project realization needed to enhance the City’s current transportation infrastructure to meet future anticipated demand, it is proposed that an application be filed with LAFCO to establish the Inglewood Transportation Management Community Services District (the “**ITMCSD**”), a Community Services District (“**CSD**”) dedicated to providing transportation services, including a focus on the administration of certain complex transportation infrastructure projects and mobility services, such as the development and operation of the proposed Inglewood Transit Connector Project (the “**ITC**”), as hereinafter described(collectively, the “**Transportation Management Services**”).

CSDs are distinct governmental entities from municipalities and, as such, direct legal subdivisions of the State of California governed by the Community Services District Law (Cal. Govt. Code §§61000-61144). Pursuant to the formation requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cal. Govt. Code §§56000, et. seq.), a new CSD must be created by submitting an application to, and securing the approval of such application by, LAFCO. If approved, LAFCO will place formation of the CSD on an election ballot for voter approval (before which time an application may be freely withdrawn by the applicant). A CSD is generally considered legally formed upon LAFCO’s recordation of a Certificate of Completion with the County, which occurs after the voter approval election results are certified.

DR-2

Adopt Resolution to Submit ITMCSD Formation Application to LAFCO

June 9, 2020

Once formed, a CSD can undertake obligations and activities required for capital improvements, acquire property and manage, finance, and otherwise oversee the provision of services within its purview. A CSD can also retain its own dedicated management, staff, and consultant support and maintain fiscal independence from the municipality(ies) within whose territorial limits it lies. A CSD may opt to have a municipality's city council act as its governing body and/or utilize the civil service system in its hiring practices, if so desired. A CSD also has the authority in its own right to receive and deploy state, federal, regional, and municipal funds.

DISCUSSION:

The ITMCSD's jurisdictional boundary would be coterminous with the City boundaries and the members of the City Council would act as the members of the ITMCSD's governing body.

The ITMCSD would be dedicated to providing the Transportation Management Services, which could include the planning, design, implementation, construction, management, operation, and/or maintenance of: (1) connectivity improvements associated with the proposed ITC, including any future extensions of the ITC; (2) remote parking and/or bus or shuttle program(s) and/or related facilities provided within the City, including any such program(s) operated for everyday connectivity within the City or in connection with events at SoFi Stadium, The Forum and the proposed Inglewood Basketball and Entertainment Center ("IBEC"); and (3) other services and transportation or traffic improvements and infrastructure projects that can address first/last mile issues, enhance connectivity to the Metro Crenshaw/LAX Line's three transit stations in the City which are under construction (and, by extension to LAX), increase the prevalence of higher-occupancy travel modalities, and generally reduce traffic congestion in City neighborhoods, key roadway networks and transportation corridors. The foregoing are illustrative examples the Transportation Management Services and not a comprehensive list.

Each of the Transportation Management Services will be undertaken by the ITMCSD only upon direction by its governing body (which would consist of the members of the City Council) and only after a program- or project-specific environmental clearance process has been completed in accordance with state and local requirements. The ITMCSD would be vested with all ancillary powers and authority needed to engage in the activities required to carry out the Transportation Management Services.

Creating the ITMCSD provides various benefits by allowing for the recruitment of specialized, dedicated personnel; alleviating any undue burden that would otherwise be placed on existing municipal personnel and ensuring they have adequate time and resources to focus on non-ITMCSD related day-to-day functions; and creating a fiscally independent entity, whose revenue and obligations are separate from those of the City.

Most importantly, the ITMCSD is essential for implementation of the proposed ITC, which consists of a 1.6-mile, \$1 billion elevated fixed guideway transit system anticipated to carry about 6.9 million passengers annually. The ITC would provide a public transit connection between the Los Angeles County Metropolitan Transportation Authority ("Metro") Crenshaw/LAX Line, the City's Market Street area and downtown district, and the multiple key attractions near Hollywood Park (i.e. the Forum, SoFi Stadium, the Hollywood Park Casino, the Hollywood Park retail and shopping center, and the proposed IBEC). The City is now preparing environmental clearance documents for the ITC, anticipated to be completed by late Winter 2020.

Adopt Resolution to Submit ITMCSD Formation Application to LAFCO

June 9, 2020

Each ITMCSD project or program would have its own spending and financial plan, including a complete sources and uses analysis. As an example, the City has prepared a detailed financial plan for the proposed ITC, which will be funded by a combination of grants from the California State Transportation Agency (“CalSTA”), Metro, and the South Bay Cities Council of Governments (“SBCCOG”); private developer contributions for residential and commercial development projects in the City; private developer financing from the ITC’s ultimate developer; and future City revenue. To date, the City has secured commitments to over \$329 million in funding from CalSTA and the SBCCOG (the terms and conditions of which will be presented to the City Council in due course).

The ITMCSD would not levy any property taxes, assessment, fees or other charges for the purposes of providing the Transportation Management Services. The City does, however, contemplate imposing certain assessments, fees or charges itself and pledging those to the ITMCSD from time to time. Additionally, increased and new General Fund revenues for the ITMCSD’s use are in the process of being identified. These new revenues could derive from multiple funding sources including but not limited to general property taxes, parking taxes, sales taxes, transit occupancy taxes, businesses license fees, advertising revenues, broadband fiber optic revenues, private developer financing, infrastructure impact fees and others. Additional funding for various projects or programs may also be sourced from public grants or other public sources.

Should LAFCO approve the application for formation of the ITMCSD, the ITMCSD would be included on the March 2021 ballot for voter approval.

ENVIRONMENTAL DOCUMENTATION:

The formation of the ITMCSD is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) and/or Section 15061(b)(3) (Common Sense Exemption) because the ITMCSD is proposed to be a subsidiary district with the same boundaries as the City. Upon the City Council’s approval of the recommended actions, a Notice of Exemption will be filed with the Los Angeles County Clerk in accordance with Section 21152 of the California Public Resources Code.

FINANCIAL/FUNDING ISSUES AND SOURCES:


The overall funding approach for the various Transportation Management Services is described above. With respect to the filing and application processing, the costs are anticipated to be approximately \$4,000 of which are available in the Fiscal Year 2019-2020 budget under account code no. 001-099-9930-45098 (General Fund – Non Departmental – Miscellaneous – Special Exp-Misc Activities).

LEGAL REVIEW VERIFICATION:




Administrative staff has verified that the legal documents accompanying this report have been submitted to, reviewed, and approved by the Office of the City Attorney.

BUDGET REVIEW VERIFICATION:



Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed and approved by the Budget Division.

FINANCE REVIEW VERIFICATION:

Administrative staff has verified that this report  in its entirety, has been submitted to, reviewed and approved by the Finance Department.

DESCRIPTION OF ANY ATTACHMENTS:

Attachment No 1 – Resolution

APPROVAL VERIFICATION SHEET

PREPARED BY:

Louis Atwell, P.E., Public Works Director and Assistant City Manager

COUNCIL PRESENTER:

Louis Atwell, P.E., Public Works Director and Assistant City Manager

**DEPARTMENT HEAD/
ASSISTANT CITY MANAGER APPROVAL:**



Louis Atwell, PW Director/Asst. City Mgr.

CITY MANAGER APPROVAL:



Artie Fields, City Manager

Attachment 1 - Resolution

1 RESOLUTION NO.: _____

2 A RESOLUTION OF APPLICATION OF THE INGLEWOOD
3 CITY COUNCIL AUTHORIZING THE CITY MANAGER TO
4 PREPARE AND SUBMIT A PROPOSAL ("APPLICATION") TO
5 THE LOCAL AGENCY FORMATION COMMISSION FOR THE
6 COUNTY OF LOS ANGELES ("LAFCO") AND FOR LAFCO TO
7 INITIATE PROCEEDINGS FOR A CHANGE OF
8 ORGANIZATION FOR THE FORMATION OF THE
9 INGLEWOOD TRANSPORTATION MANAGEMENT
10 COMMUNITY SERVICES DISTRICT ("ITMCSD" or
11 "DISTRICT")

12 WHEREAS, the City is a charter city that was incorporated in 1908; and

13 WHEREAS, the City Charter was adopted on December 14, 1926, and filed with the
14 Secretary of State on January 27, 1927; and

15 WHEREAS, the City Charter provides for the provision of transportation services and
16 improvements; and

17 WHEREAS, there are existing and planned sporting, entertainment and retail venues
18 under construction in the City; and

19 WHEREAS, the City's comprehensive mobility plan to address an anticipated influx of
20 residents and visitors as a result of current and ongoing development includes an elevated
21 transit system connecting existing and planned sporting, entertainment and retail venues in
22 the City to the LA Metro Crenshaw Line; and

23 WHEREAS, it is anticipated that during a 50-year projected lifetime, the elevated transit
24 system alone will decrease vehicle miles driven by 2.3 billion and eliminate an equivalent of
25 768,992 metric tons of carbon dioxide equivalent; and

26 WHEREAS, the City's mobility plan overall will improve resident and visitor access to
27 existing and planned housing, employment, sporting, entertainment and retail centers within
28 the City and connect the City to the greater Los Angeles metropolitan area; and

1 WHEREAS, the formation of the proposed District is categorically exempt from the
2 California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section
3 15320 (Changes in Organization of Local Agencies) and/or Section 150161(b)(3) (Common
4 Sense Exemption); and

5 WHEREAS, the LAFCO process will require the preparation of various documents and
6 the payments of filing fees and subsequent expenses.

7 NOW, THEREFORE, the City Council of the City of Inglewood does hereby resolve as
8 follows:

9 **SECTION 1.**

- 10 1. The City Manager is authorized to prepare and submit to LAFCO a proposal for a
11 proposed change of organization (district formation) and to provide any and all
12 additional or supplemental forms, data, information, plans and documentation as
13 LAFCO staff may request and require from time to time during the processing of the
14 proposal, excluding the entering into of any binding commitments or incurring any
15 obligations of the City which must be authorized by the City Council.
- 16 2. The City Manager is authorized to pay the filing fee to LAFCO and to pay such additional
17 sums as may be invoiced from LAFCO for services rendered in the processing of the
18 proposal.
- 19 3. The City Manager is authorized to coordinate his efforts with such resources as may be
20 needed to process the proposal and to pay the invoices for the resources with whom
21 he coordinates.
- 22 4. The proposal is to be made pursuant to the Cortese-Knox-Hertzberg Local Government
23 Reorganization Act of 2000 commencing with Section 56000 of the California
24 Government Code as follows:
 - 25 a. The nature of the proposal is a change of organization for the formation of the
26 District for the purposes of providing enhanced transportation services within
27 the City.
 - 28 b. The boundaries of the District will be the boundaries of the City as shown on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

the attached map, Exhibit "A," which is incorporated herein by reference.

- c. The affected territory within the proposed District is inhabited.
- d. The affected territory within the proposed District is within the Sphere of Influence of the City.
- e. Upon the City Council's approval of the initiation of formation of the proposed ITMCSD, a Notice of Exemption will be filed with the Los Angeles County Clerk in accordance with Section 21152 of the California Public Resources Code.
- f. It is desired that the proposed change of organization provides for and is made subject to the following terms and conditions:
 - i. No portion of the current property tax will be allotted from various other taxing agencies.
 - ii. The District is proposed to be formed as a subsidiary district of the City of Inglewood, as authorized by Government Code Section 61007(c), in which the directors of the District shall be the City Council of the City.
- g. The description of the proposal area is as follows:
 - i. The boundaries of the proposed District are the boundaries of the City.
- h. The reasons for this proposal are as follows:
 - i. Current and planned development projects in the City will result in additional residents and visitors from across the State and the greater Los Angeles metropolitan area traveling within the City boundaries, such that additional local transportation services are needed to reduce and potentially prevent traffic congestion and emissions resulting from regular vehicular traffic; and
 - ii. Formation of the proposed District is the most efficient and effective means of providing financial and operational independence for administration of the proposed transportation services given that the size, scope and complexity of the services to be deployed, managed and operated by the District differ greatly from those the City provides for its

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

residents.

5. This Resolution of Application to Initiate Proceedings is hereby adopted and approved by the City, and LAFCO is hereby requested to initiate proceedings for the formation of a district as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION 2.

The Clerk of the City is hereby authorized and directed to file a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission for the County of Los Angeles.

SECTION 3.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the adoption of this Resolution and the same shall be in full force and effect immediately upon adoption.

Passed, approved and adopted this _____ day of _____, 2020

CITY OF INGLEWOOD

James T. Butts, Jr.,
Mayor

ATTEST:

Yvonne Horton,
City Clerk

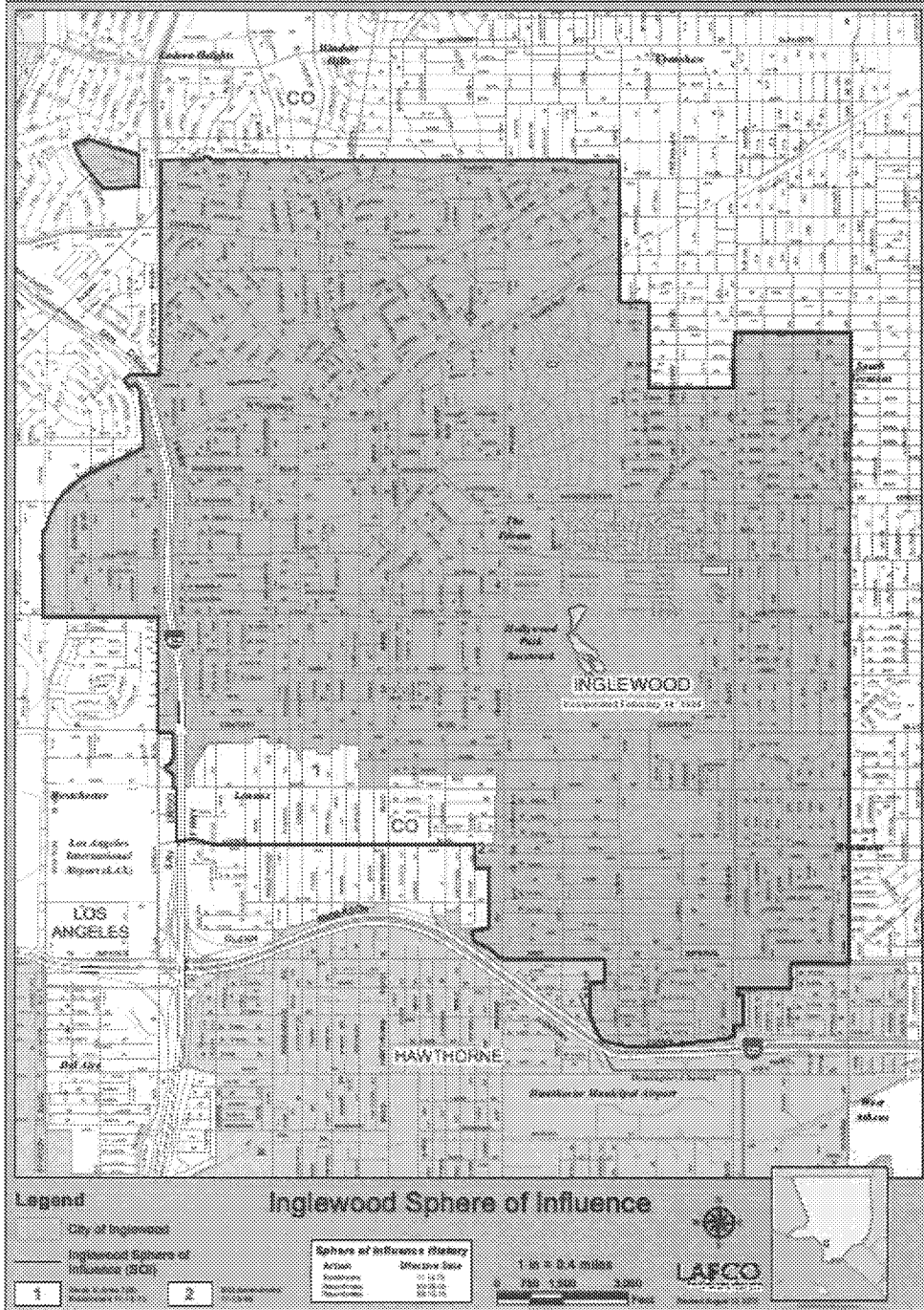
AYES:

NOES:

ABSTAIN:

ABSENT:

**EXHIBIT A
MAP OF PROPOSED DISTRICT**



The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 6

ON June 16 2020
UNTIL July 16 2020

REGISTRAR - RECORDER/COUNTY CLERK



CITY OF INGLEWOOD

ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division



Christopher E. Jackson, Sr.
Director

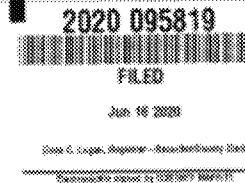
Mindy Wilcox, AICP
Planning Manager

NOTICE OF EXEMPTION EA-CE-2020-057

Prepared in accordance with the California Environmental Quality Act (CEQA), Section No. 15300, and the Inglewood Municipal Code, the following Notice of Exemption is made.

Project Title: Formation of Inglewood Transportation Management Community Services District
Location: Citywide
Project Sponsor: City of Inglewood and Inglewood Transportation Management Community Services District
Address: 1 W. Manchester Blvd., Inglewood, CA
Agency Contact: Mindy Wilcox, AICP, Planning Manager
Telephone: (310) 412-5230

Unofficial
Copy



Project Description

Establishment and formation of the Inglewood Transportation Management District (the "ITMCSD"), a community services district dedicated to providing transportation services and whose jurisdictional boundaries would be coterminous with the City of Inglewood's municipal boundaries.

Exempt Status

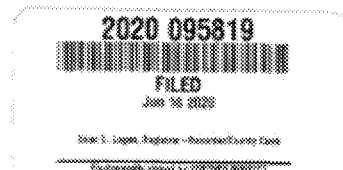
Categorical Exemption: Section 15320, Class 20: Changes in Organization of Local Agencies and Section 15061(b)(3) (Common Sense Exemption)

Reason for Exemption

The formation of the ITMCSD is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies), which provides an exemption from CEQA for changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised. The ITMCSD is proposed to be a subsidiary district with the same boundaries as the City of Inglewood and therefore will not change the geographical area in which previously existing powers are exercised. The formation of the ITMCSD also qualifies for the categorical exemption set forth in CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the

environment, the project is not subject to CEQA. CEQA only applies to projects that have a potential for causing a significant effect on the environment, either through a direct impact or a reasonably foreseeable indirect impact. The proposed formation of the ITMCSD will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Signature: Mindy Wilcox
Name: Mindy Wilcox AICP
Title: Planning Manager
Date: June 9, 2020



Unofficial

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 7

Memorandum

date June 12, 2020

to Mindy Wilcox, City of Inglewood

cc Christopher E. Jackson, City of Inglewood
Fred Jackson, City of Inglewood
Royce Jones, City of Inglewood

from Brian D. Boxer, AICP, ESA

subject Feasibility of IBEC Alternatives

The EIR identified and analyzed in detail seven alternatives to the Proposed Project. These alternatives were selected for detailed analysis because, among other things, they were identified as “potentially feasible.” (CEQA Guidelines, § 15126.6, subd. (a).) Alternatives that are identified as not “potentially feasible” may be eliminated from detailed analysis in the EIR.¹

The purpose of this memorandum is to examine in greater detail whether these seven alternatives are, in fact, feasible. The determination of whether these alternatives are feasible will ultimately be made by the City Council. This memorandum is intended to aid the Council in its consideration of this issue.

ESA has prepared this memorandum based on its knowledge of CEQA, the Proposed Project, and of the alternatives analyzed in detail in the EIR. As the City’s lead consultant on the Inglewood Basketball and Entertainment Center (IBEC) Environmental Impact Report (EIR), ESA has intimate knowledge of the Proposed Project and the environmental impacts it would cause. ESA also performed the alternatives analysis in the EIR, and therefore has substantial information concerning the relative merits of the alternatives from an environmental perspective. ESA has also obtained information concerning the Proposed Project and alternatives from City staff, from other City consultants, from the project applicant and its architects and other consultants, and from other agencies. In the last decade, ESA has also served as lead environmental consultant on other projects centered on an NBA arena (to wit, Golden 1 Center in Sacramento, Chase Center in San Francisco, and the New Arena at Seattle Center in Seattle), as well as Major League Baseball and Major League Soccer stadia, and has drawn on that experience as well.

¹ Such alternatives that were considered but dismissed from further evaluation in the Draft EIR are described in section 6.3 of the Draft EIR, pages 6-12 through 6-18, and include use of the Project Site for an entertainment venue, a substantially reduced arena, housing, or an employment center/business park, and also include alternative locations in the City of Inglewood and elsewhere in the region.

The following discussion addresses whether the alternatives analyzed in detail in the EIR are, in fact, feasible. The discussion draws largely from the EIR, but it also relies on additional evidence elsewhere in the City's record. The aim is to provide City decision-makers with information that may be useful in adopting CEQA findings concerning the alternatives analyzed in the EIR.

Alternative 1: No Project

This alternative appears to not be feasible for the following reasons: (1) none of the City's and Applicant's stated objectives for the Proposed Project would be achieved; (2) the vacant parcels on the Project Site would likely remain vacant/underutilized for the foreseeable future without development of the Proposed Project; and (3) as a result of the parcels remaining vacant, the City's economic development goals for the Project Site would not be met. A more detailed discussion of each reason is provided below.

City and Applicant Objectives

Under the No Project Alternative none of the City's or applicant's objectives for the Proposed Project would be achieved. Specifically, none of the City's or applicant's objectives to enhance the community would be accomplished. For example, the City would be unable to achieve its goals of promoting the City as a premier regional sports and entertainment center (City Objective 1), enhancing the City's general economic health by stimulating new business and economic activity (City Objective 2), and constructing (with private funds) a public assembly space to host sporting, cultural, business, and community events (City Objective 8). Similarly, the applicant would be unable to achieve its goals of creating a lively, visitor- and community-serving environment year-round for patrons, employees, community members, and visitors (Applicant Objective 1e) and contributing to the economic and social well-being of the surrounding community by providing public benefits and increasing revenues (Applicant Objective 1f).

Project Site Utilization

During the post-World War II era, the parcels on and around the Project Site were developed with apartment buildings with some limited commercial and single-family uses also present. The Project Site is located approximately 2 miles east of Los Angeles International Airport (LAX), along the extended centerlines of Runways 25R and 25L, and noise from aircraft approaching the runways negatively affected the residential uses on the Project Site, which are considered noise sensitive. Starting in the 1980s, the City started acquiring residential parcels on the Project Site and relocating residents with the objective of recycling the incompatible noise-sensitive residential land uses with land uses deemed compatible with the existing noise environment, such commercial and light industrial land uses. After the residents were relocated, the City began demolishing the residential structures on the Project Site starting in the 1990s with demolition continuing into the early 2000s.

Since that time the parcels acquired by the City on the Project Site have remained vacant for the following reasons: (1) the recessions during the 1990s and 2000s, including the "Great Recession" of 2007-2012 hindered development; and (2) projects that have been proposed on the Project Site ended up not being economically feasible and failed to proceed to construction. In 1993, the City approved the Inglewood International Business Park Specific Plan, which encompassed portions of the Project Site. The EIR acknowledges and describes this plan (see Draft EIR, pages 3.10-24 – 3.10-25). Under this plan, the Project Site was considered as a possible location for a technology park. However, there were hurdles to that potential use including a partially occupied and partially vacant site, and no project entitlements have ever been approved by the City. For these reasons, the uses proposed

under this plan have not been implemented, and the Project Site remains largely vacant. Without construction of the Proposed Project, the vacant and underutilized parcels on the Project Site would continue to remain vacant and/or underutilized.

The Project Site has been identified as the potential location for off-site parking spaces to accommodate parking demands during large events at the NFL Stadium located within the Hollywood Park Specific Plan. The NFL Stadium was approved by initiative in 2015. At that time, transportation and parking studies were performed to analyze how stadium patrons would travel to and from the Stadium site. These studies identified the Project Site as a likely location to provide parking for the Stadium on game days. The studies concluded that the Project Site could provide 3,600 parking spaces.² Under Alternative 1, the Project Site would remain undeveloped. For this reason, the Project Site would be available for off-site stadium parking. This parking would be needed, however, on only an intermittent basis (likely 20 to 40 times per year). For the vast majority of the year, the Project Site would remain largely vacant and underutilized. For this reason, although the use of the Project Site for overflow parking for the NFL Stadium would have some utility, this use would be very limited, and the Project Site would remain significantly underutilized.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

A vast majority of the Project Site was acquired by the City pursuant to funding through Federal Aviation Administration's (FAA's) Airport Improvement Program (AIP) grants. The intent of the AIP program is to provide funds to airports for disbursement to states and local governments in the form of grants to facilitate the reduction or elimination of incompatible uses through the acquisition of lands that fall into 65 dBA or greater noise contours.³ The intent of the AIP program is that the land in question is to be acquired, cleared of incompatible uses, and then sold at fair market value for development with airport compatible uses. Specifically, the AIP Handbook describes the land disposal requirements under 49 U.S.C. section 47107(c)(2), which states:

(2) The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances, satisfactory to the Secretary, that if an airport owner or operator has received or will receive a grant for acquiring land and—

(A) if the land was or will be acquired for a noise compatibility purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)—

(i) the owner or operator will dispose of the land at fair market value at the earliest practicable time after the land no longer is needed for a noise compatibility purpose;

² Linscott, Law and Greenspan, *Transportation and Parking Plan, Hollywood Park Stadium Alternative Project* (February 2015); Linscott, Law and Greenspan, *Traffic Impact Analysis, Hollywood Park Stadium Alternative Project* (February 2015).

³ Federal Aviation Administration, Office of Airport Planning & Programming, *Noise Land Management and Requirements for Disposal of Noise Land or Development Land Funded with AIP*, June 2014, page 1.

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4);

As such, under section 47107(c)(2)(A)(i), above, the grant requires that the City "dispose of the land at fair market value at the earliest practicable time..."

This requirement is embodied in the City's objectives for the Project, which include:

5. Transform vacant or underutilized land within the City in to compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City.

This objective is consistent with provisions in grant agreements into which the City and the former Inglewood Redevelopment Agency entered with the FAA between 1994 and 2006, which include the following provision:

It is agreed that land in this project purchased for noise compatibility purposes may be subject to disposal at the earliest practicable time. After Grant Agreement, the FAA may designate such land which must be sold by the Sponsor [the City of Inglewood]. The Sponsor will use its best efforts to dispose of such land subject to retention or reservation of any interest or right therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of operation of the airport. The proceed of such disposition either shall be refunded to the United States for the Airport and Airway Trust Fund on a basis proportioned to the United States share of the cost of acquisition of such land, or shall be reinvested in an approved project, pursuant to such instruction as the FAA will issue.

Pursuant to these agreements, the City and the former Inglewood Redevelopment Agency (now the City of Inglewood as the Successor Agency to the Inglewood Redevelopment Agency, "Successor Agency") must use its best efforts to dispose of these parcels at a fair market value at the earliest practicable time. Holding the Project Site vacant and/or underutilized under the No Project Alternative would be inconsistent with the obligation to use such best efforts, as specified in the grant agreements under the FAA AIP program.

City of Inglewood Economic Development Goals

The City of Inglewood identifies goals of the City to promote economic development in the City's General Plan Land Use Element. In particular, it identifies a goal to "[h]elp promote sound economic development and increase employment opportunities for the City's residents by responding to changing economic conditions."⁴ It further articulates a goal to "[p]romote the development of commercial/recreational uses which will complement those which already are located in Inglewood."⁵ Consistent with those goals, the Proposed Project would

⁴ City of Inglewood, *General Plan Land Use Element*, January 1980, page 6.

⁵ City of Inglewood, *General Plan Land Use Element*, January 1980, page 7.

redevelop the site into a new state-of-the-art sports and entertainment facility with related uses that promotes economic development and generates employment opportunities during the construction period and during the subsequent operational life of the Project. As discussed above, the vacant parcels on the Project Site have remained vacant for years, thus frustrating the City's economic development goals of increasing employment on the Project Site and promoting economic development. Under the No Project Alternative, the parcels on the Project Site would remain vacant without the construction of the Proposed Project, and the City's economic development goals will not be achieved.

These parcels have remained vacant and underutilized despite the City's efforts to encourage investment and redevelopment. In particular, in 1993 the City approved the Inglewood International Business Park Specific Plan encompassing much of the site. This plan envisioned the development of an attractive, campus-like business park, and established guidelines designed to encourage this use. During the intervening 27 years, however, the development anticipated and encouraged under the plan has not occurred due to a lack of investment interest in such a project. Available evidence indicates, therefore, that if the business park plan remains the operative land-use plan for the Project Site, it will remain vacant and/or underutilized. None of the City's economic development goals, as expressed in the City's adopted plans and policies, will be achieved.

Loss of Public Benefits

As described in the Development Agreement, the Proposed Project would provide the City, its residents, and the surrounding region with an extensive array of public benefits. The public benefits would total approximately \$100 million and would include (1) the creation of local jobs and workforce equity; (2) commitments to affordable housing and renter support; (3) rehabilitation of Morningside Park Library and creation of a community center; (4) support for City of Inglewood youth and education; (5) support for social and educational programs at the Inglewood Senior Center; (6) renovation of public basketball courts in Inglewood; (7) community engagement and collaboration, including use of the arena for charitable causes, and access to NBA games for community groups. These public benefits would not be provided under Alternative 1

Alternative 2: Reduced Project Size

Alternative 2 does not appear to be feasible for the following reasons: (1) inconsistency with the City's economic development goals; (2) the lack of ability of the LA Clippers to consolidate their uses at a single site in the region, (3) loss amenities and the inability to hold pre- and post-game events would diminish customer and fan experience; (4) adverse effects on arrival and departure patterns; and (5) inconsistency with the requirements of the City's FAA AIP grants.

City of Inglewood Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City's residents. Contrary to these goals, compared to the fully developed Proposed Project, Alternative 2 would generate a materially lower level of economic activity on the Project Site. Extrapolating from data included in an economic and fiscal study submitted by the project applicant⁶ and verified

⁶ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Table 1, *One-Time Employment and Other Economic Impacts in the City of Inglewood Economy from Construction of IBEC (in 2019\$)*.

by economic experts retained by the City⁷, Alternative 2 would result in the following approximate reductions in direct and indirect economic activity in the City of Inglewood economy compared to the fully developed Proposed Project:

- Construction of the smaller Alternative 2 would result in up to approximately 1,109 fewer jobs, with construction employee compensation reduced by up to a net of approximately \$66.7 million, and a reduction of total economic activity of up to approximately \$150.2 million.⁸
- On-going operations of Alternative 2, net of elimination of existing uses, would result in a decrease in employment of up to approximately 545 jobs, with annual employee compensation reduced by up to approximately \$38.7 million, and annual total economic activity reduced by up to approximately \$81.6 million.⁹

In addition to overall reductions in employment and economic activity in the City of Inglewood, Alternative 2 would have correlative reductions in revenues to the City. Pursuant to the same study cited above, Alternative 2 would result in a reduction in revenue to the City of up to approximately \$2.8 million per year, as further described below:

- The City's share of increased property taxes would be reduced by up to approximately \$1.5 million per year;¹⁰
- The City's share of increased sales taxes would be reduced by up to approximately \$210,000 per year;¹¹
- The City's share of increased utility users' taxes would be reduced by up to approximately \$68,000 per year;¹²

⁷ Keyser Marston Associates, *Peer Review – Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, Memorandum from James Rabe, CRE, to Christopher E. Jackson, Director, Inglewood Economic & Community Development Department, June 10, 2020.

⁸ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Table 1, *One-Time Employment and Other Economic Impacts in the City of Inglewood Economy from Construction of IBEC (in 2019\$)*, page 15. The estimates that would be precluded by Alternative 2 include construction of Ancillary Buildings, Hotel, and an estimated 16.5% of Arena construction (to account for smaller arena and exclusion of team practice and training facility, administrative offices, and sports medicine clinic).

⁹ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Table 2, *Ongoing Employment and Other Economic Impacts in the City of Inglewood Economy from Annual Operations of IBEC (in 2019\$)*, page 17. The estimates that would be precluded by Alternative 2 include operations of the following uses eliminated under Alternative 2: Basketball Team Business Operations, Shopping Center/Retail, Restaurants Outside of the Arena, Community Center, Sports Medicine Clinic, and Hotel.

¹⁰ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 3, *Inglewood Basketball and Entertainment Center Estimated Property Taxes*, page 35. The estimates are based on elimination of the assessed value of the Ancillary Buildings (\$19,000,000), Hotel (\$16,400,000), and a 16.5% reduction in the assessed value of the Arena Structure (reduction of \$108,900,000), with associated reductions of \$1,440,000 in the City share of the general levy, and a reduction of \$11,486 in the MVLFF in lieu.

¹¹ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 4, *Inglewood Basketball and Entertainment Center Estimated Sales Tax*, page 36. The estimates are based on elimination of taxable sales revenues of approximately \$14.1 million from the ancillary retail, restaurant, and hotel uses. Since under the arena capacity would be 500 seats less under Alternative 2, there could also be a correlative reduction in attendance, however an estimated change in attendance and related spending in the arena are not accounted for in this estimate, which is, thus, conservative.

¹² HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 4, *Inglewood Basketball and Entertainment Center Estimated Utility Users' Tax*, page 37. Estimates are based on elimination of utility users' tax for water use for the Restaurant/Bar/Lounge, Office, Team Store and Retail, and Hotel uses; the elimination of the utility users' taxes for electricity and natural gas for the Hotel and 16.5% of the Arena and associated uses.

- The City's revenues from Transient Occupancy Tax from the eliminated hotel would be reduced by up to approximately \$1 million per year;¹³ and
- The City's revenues from Business License-Gross Receipts Tax would be reduced by up to approximately \$33,000 per year.¹⁴

The overall estimate of reduced revenues to the City described above is conservative in that it does not account for potential reductions in parking taxes (there would be fewer parking spaces in Alternative 2 than the Proposed Project, but this has not been accounted for because displaced parking could still occur in the City), and construction taxes which are based on factors such as contractor earnings in the City, construction materials sales in the City, and the commercial building value permit based on total construction costs. Each of these would likely be reduced under Alternative 2 but have not been specifically estimated.

In addition to reduced revenues to the City, the reduction in construction under Alternative 2 would reduce the revenue to the Inglewood Unified School District by up to approximately \$175,000 as a result of reduced payment of school impact in-lieu fees. This estimate of reduced school impact in-lieu fees under Alternative 2 is based on elimination of the ancillary retail uses, along with the administrative offices and sports medicine clinic, and a 16.5% reduction in the size of the arena structure.¹⁵

Compared to a fully developed Proposed Project, implementation of Alternative 2 would eliminate approximately 1,100 construction jobs and 545 on-going operational jobs, and up to approximately \$150 million in economic activity in the City during construction. In addition, once the project commences operations, each year up to approximately \$82 million in economic activity in the City, and up to approximately \$2.8 million in annual revenues to the City would be eliminated compared to a fully developed Proposed Project. Finally, compared to the Proposed Project, under Alternative 2 a one-time payment of in-lieu fees to the Inglewood Unified School District would be reduced by up to approximately \$175,000. For each and all of these reasons, Alternative 2 would be materially worse than the Proposed Project in terms of its ability to meet the City's goals to promote economic development that would generate opportunities for the City's residents.¹⁶

¹³ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 7, *Inglewood Basketball and Entertainment Center Estimated Transient Occupancy Tax*, page 38. Estimates are based on elimination of utility users' tax for water use for the Restaurant/Bar/Lounge, Office, Team Store and Retail, and Hotel uses; the elimination of the utility users' taxes for electricity and natural gas for the Hotel and 16.5% of the Arena and associated uses.

¹⁴ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 9, *Inglewood Basketball and Entertainment Center Estimated Business License Tax*, page 40. Estimates are based on elimination of gross receipts tax from approximately \$26.9 million in gross receipts from the ancillary Retail and Restaurant businesses, the Sports Medicine Clinic, and Hotel uses.

¹⁵ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, Appendix B, Table 13, *Inglewood Basketball and Entertainment Center Estimated City Fee Costs*, page 44. Estimates are based on elimination of gross receipts tax from approximately \$26.9 million in gross receipts from the ancillary Retail and Restaurant businesses, the Sports Medicine Clinic, and Hotel uses.

¹⁶ The results discussed above are based on analyses in the main body of the May 2020 HR&A report entitled *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*. The estimates of reductions in economic activity, employment, and associated revenues to the City are based on the full development of the Proposed Project, as described in Chapter 2 of the EIR. Appendix D of the HR&A report presents a sensitivity analysis that considers the economic and fiscal effects of the Proposed Project under a scenario that involves a lower estimate of non-basketball events and a reduction in the amount of ancillary retail development than described in the EIR. Compared to the results of the Proposed Project reflected in this sensitivity analysis, the reductions between the Project and Alternative 2 would be less than described herein.

Team Operations

LA Clipper's team front office personnel often are required to attend games as part of their job responsibilities. Currently the LA Clippers' team offices are located in Downtown Los Angeles, two blocks away from the Staples Center, which is the LA Clipper's current home area, thus resulting in a short trip to the arena to attend games. It is assumed that the LA Clipper's offices would remain in Downtown Los Angeles under Alternative 2. As a result, members of the team front office would have a longer trip from the team's offices in Downtown Los Angeles and to the new arena in Inglewood to attend games.

Further, consistent with the project applicant's stated objective to "[b]uild the long-term home of the LA Clippers basketball team," the project architect states that state-of-the-art sports training at the NBA level requires a close relationship between the training, management, and game facilities. As such, the integration of the Arena, the training facility, LA Clippers administrative offices, as described for the Proposed Project, would provide for an immersive, secure environment for players to train, eat, receive medical support, and play games, and would allow for close and regular interaction between the LA Clippers players, coaches, trainers, medical personnel, nutritionists, senior management, and other support staff.¹⁷ Under Alternative 2, with a smaller Arena located at the Project Site, LA Clippers administrative offices in downtown Los Angeles, and the team's training facility remaining in Playa Vista, and very limited other support and ancillary uses at the Project Site, would compromise the ability to achieve the optimal training environment determined necessary by the project applicant.

Community, Customer and Fan Experience

The project architect has noted that "[s]uccessful, modern sports facilities also seek to create a destination that integrates into the urban fabric of the community."¹⁸ Project applicant objective 3.a and the design of the Proposed Project reflect the intent to create a year-round, active environment, with a daily population on-site that would support nearby retail and community-serving uses, and avoid creating an area that would be devoid of activity outside of the period immediately before and after scheduled events.

In recent years, most privately funded major league sports facilities are being developed in concert with a mix of other complimentary uses. Prior to this recent trend, arenas and stadiums often developed as isolated uses in suburban settings, meaning that there was nothing for the customer or fan to do prior to or after the event, leading to higher levels of peak traffic congestion as attendees arrived late and left as soon as the event was over. Arenas and stadiums were frequently dark zones with essentially no activity outside of event times, an issue that was considered acceptable when such venues were located in suburban settings surrounded by surface parking lots, but considered an eyesore in more highly urbanized settings.

The location of the Project Site in an urbanized setting, and the inclusion of complimentary uses on the Project Site, provide the opportunity for activity on an ongoing basis throughout the year. In such a setting, activity throughout the day and throughout the year may occur. Restaurants, bars, and stores in immediate proximity to the venue can provide an attraction for attendees to arrive early, and to stay late, after the event, which can have the benefit of spreading out arrival and departure traffic and travel. In this fashion, peak travel can be reduced because the same amount of traffic is distributed over a longer period of time. One notable example is Staples

¹⁷ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

¹⁸ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

Center in downtown Los Angeles, where LA Live was developed as a commercial compliment to the arena building. Other similar recent examples in California include:

- Golden 1 Center in Sacramento, where the NBA Sacramento Kings have developed retail, restaurant, hotel, and residential uses around the arena which opened in 2016;
- Chase Center in San Francisco, where the NBA Golden State Warriors developed a mixed use office and retail development on the same parcel as the new arena; and
- Oracle Park in San Francisco, where the Major League Baseball San Francisco Giants are in the planning stages of a mixed use, residential retail and office near the ballpark.

There are numerous other examples around the United States, including the Deer District development around the recently opened Fiserv Forum in Milwaukee, Wisconsin (home of the NBA Milwaukee Bucks) and the Battery Atlanta development adjacent to Truist Park in Cumberland County, Georgia (home of the MLB Atlanta Braves), both of which have opened in the last couple of years.

More specific to the design of the proposed Plaza, from an operational perspective, modern major league sports facilities are designed to provide for multiple layers of security and control, as opposed to a single point of control for entry and exit of fans and visitors. The project architect indicates that the design of the Plaza for the Proposed Project allow for the separation of the initial screening process (typically providing for use of metal detectors and bag checks) from the ticket check; this is typically accomplished through a secure initial checkpoint set away from the physical entrance to the Arena, to be followed by a second check at the door. This provides a more flexible and secure operation that can adapt to the specific requirements of different events, the needs for which can be affected by such factors as size of the crowd, weather, and other factors. As such, the project architect indicates that features such as Plaza buildings and other structures and landscaping elements are considered part of the Arena security plan, serving as both security features and urban design elements.¹⁹

Adverse Changes to Arrival/Departure Patterns

As discussed above, one of the key intents of the integration of LA Clippers uses and the development of complimentary ancillary uses on the Project Site is to achieve transportation benefits. As described on page 6-30 of the Draft EIR “eliminating the potential to consolidate LA Clippers team uses, including the arena, practice facility, sports medicine and treatment facilities, and team offices in a single location, Alternative 2 would likely increase the amount of travel between these uses that are currently located disparately throughout the region.” Further changes could result from changes to arrival and departure patterns for event attendees, as described further below.

The differentiation between arrival patterns at highly urbanized arenas that are part of mixed-use developments compared to single-purpose, more isolated arenas with limited or no ancillary uses can be readily understood by reviewing the data at two such venues in Sacramento Ca. As part of planning studies for the development of Golden 1 Center, NBA game arrivals were observed at the then home of the NBA Sacramento Kings, Sleep Train Arena, which was an arena surrounded by surface parking with no food or beverage establishments in its

¹⁹ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

proximity. At this venue, the peak hour arrival accounted for approximately 67% of all attendees.²⁰ After the opening of Golden 1 Center, located in downtown Sacramento as part of a mixed-use development referred to as Downtown Commons, the measured proportion of total arrivals during the pre-event peak hour was 60%.²¹ It was also determined that based on surveys of actual attendees to NBA Games held at Golden 1 Center in 2017, 29% reported that they had visited a restaurant, bar, or retail uses in the immediate vicinity of Golden 1 Center prior to the event start.²²

Both the measured peaking of traffic and attendee survey results indicate that placement of complementary land uses, such as food-and-beverage establishments, adjacent to an arena tends to disperse arriving and departing traffic flows. Thus, it is reasonable to assume that one of the effects of Alternative 2 would be to concentrate the peak arrival and departure patterns for events at the Alternative 2 arena compared to the Proposed Project. This would tend to exacerbate transportation and other operational impacts of arena events.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 2, the East Transportation Hub and Hotel site would not be developed as under the Proposed Project. These parcels would instead remain vacant. Alternative 2 would therefore be less responsive than the Proposed Project to the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Alternative 3: City Services Center Alternative Site

This alternative does not appear to be feasible for the following reasons: (1) lengthened construction schedule and increased construction costs; (2) failure to achieve the City's economic development goals for the Project Site; (3) the site of the firefighter training academy may not be available for purchase; (4) the elimination of other team facilities under this alternative would be detrimental to team operations; and (5) constraints associated with the local roadway system. A more detailed discussion of each reason is provided below.

Project Schedule and Costs

As described on Draft EIR page 6-43, "[b]ecause constructing on the City Services Center Alternative site would first require designing and constructing replacement uses on the Project Site, it is uncertain if this alternative site would allow the applicant to begin hosting LA Clippers home games in the 2024–2025 season..." In addition to planning, design, and construction of a new City Services Center and firefighter training academy, the proposed arena and associated development would require a complete redesign, including necessary NBA review and

²⁰ City of Sacramento, *Sacramento Sports and Entertainment Center & Related Development Draft Environmental Impact Report*, December 2013, page 4.10-43.

²¹ Fehr & Peers, on behalf of the City of Sacramento and Sacramento Downtown Arena LLC, *Final Golden 1 Center Year One Travel Monitoring Report*, October 2017, page 20.

²² Fehr & Peers, on behalf of the City of Sacramento and Sacramento Downtown Arena LLC, *Final Golden 1 Center Year One Travel Monitoring Report*, October 2017, Table 4, page 39.

approval, as well as likely preparation of additional supplementary CEQA analysis pursuant to PRC section 21166.

The Alternative 3 site does not meet the definition of “project area” included in PRC section 21168.6.8(a)(5). Thus, Alternative 3 would not meet the requirements for compliance with AB 987. As a result of this change, should the adequacy of the EIR be litigated, rather than the AB 987 dictated 270-day process for legal proceedings, including any potential appeals, the project would be subject to the established legal process which can take three or more years. As a result of a more extended legal process, litigation regarding the adequacy of the EIR for Alternative 2 would likely obstruct the ability to meet the project applicant’s schedule objective to open in time for the 2024-25 NBA season. That is because construction financing is often unavailable while CEQA litigation is pending, meaning that construction would not be able to proceed until after litigation is resolved even if no injunction is issued. Indeed, the extent to which CEQA litigation interferes with the ability to move forward with projects while such litigation is pending is a central aim of statutes, such as AB 987, establishing an accelerated time frame for the resolution of CEQA litigation. (See, e.g., Legislative Findings adopted pursuant to Assembly Bill 734 (2018 Stats. Chapter 959, § 1), Senate Bill 743 (2013 Stats, Chapter 386, § 1.) The same considerations apply here.

In addition to schedule extension, the project costs would likely increase under Alternative 3. With this alternative, the City’s corporation yard and the firefighter training academy would be relocated to the Project Site. Structures and uses within the City’s corporation yard include a three-story warehouse and administrative office building, small structures utilized for police training, parking for 300 vehicles, fuel stations for gasoline, propane, and compressed natural gas, a car wash, and material bins while structures on the firefighter training academy site include a classroom building, burn building, and training tower. There is adequate space on the Project Site to construct replacement facilities. In addition, these uses appear to be consistent with restrictions on the use of the Project Site under FAA grants. Nevertheless, the City would likely have to bear the cost of replacing these facilities, which the City Department of Public Works preliminarily estimated the cost at approximately \$75 - 100 million.

Loss of Environmental Benefits

Under AB 987, the project applicant has committed to a Greenhouse Gas (GHG) reduction plan that includes a number of local measures that would provide benefits in the City of Inglewood. These measures include such commitments as (1) replacement of 10 municipal fleet vehicles with Zero Emissions Vehicles (ZEVs) and construction of related infrastructure for those vehicles; (2) replacement of 2 transit vehicles that operate within the City with ZEVs and construction of related infrastructure for those vehicles; (3) installation of 20 electric vehicle charging stations at locations within the City available for public user for charging electric vehicles; (4) development of a program for planting of 1,000 trees within the City; and (5) implementation of a program to purchase and installation of 1,000 electric vehicle charging units for residential use in local communities near the Project Site, with City residents given a priority for participation. Because AB 987 would not apply at this site, these measures would not be implemented under Alternative 3.

Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City’s residents. Contrary to these goals, similar to Alternative 2, the

overall revenues to the City and the Inglewood Unified School District would be materially reduced (at a level similar to that described for Alternative 2 because the development would be similarly scaled down compared to the Proposed Project). Further, compared to the Proposed Project, Alternative 3 would generate a materially lower level of economic activity on the Project Site. While the Project Site is large enough to accommodate the City Services Center and fire academy, these uses are not the type of employment and revenue generating uses that the City envisions for the Project Site as the work force employed by the City Services Center and fire academy already exists and no revenue would be generated as both the City and the El Camino Community College District (ECCCD), which owns and operates the firefighter training academy, are public entities.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 3, the proposed Project Site would not be developed as under the Proposed Project. Rather, portions of the Project Site would be developed with a replacement City Services Center and firefighter training academy. These uses would be compatible with the location of the Project Site. Nevertheless, because these portions of the site would continue to be owned by the City and the Successor Agency, and other parts of the Project Site would remain vacant or underutilized, Alternative 3 would be less responsive than the Proposed Project to the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Site Availability

A majority of the 9.7-acre Alternative 3 site is under the control of the City of Inglewood, and an approximately 1.6-acre firefighter academy portion of the site is under the control of the ECCCD. It is unknown if the ECCCD is willing to sell the firefighter training academy site and/or relocate the academy to the Project Site. Therefore, the property may not be available for development. Although the ECCCD-controlled portion of the Alternative 3 site is only 1.6 of the total 9.7-acre site, its removal would leave this alternative site at only 8.1 acres, and an awkward shape. As such, because of the already limited size and the specific configuration of parcels, unavailability of the firefighting training academy site would make Alternative 3 infeasible.

Site Configuration

The limited size of the portion of the Alternative 3 site available to be dedicated to the Arena (approximately 4.65 acres, an area approximately 450 feet on each side) is considered by the project architect to be very tight for a modern arena. It would require the Arena structure to sit directly against the back of the curb on West Ivy Avenue and Cable Place, which would severely restrict the ability to design either (1) an operationally functional loading dock area at ground level, or (2) a ramp down to a subterranean loading dock on the main event level. The project architect indicates that the provision of such a loading dock is a prerequisite of a modern arena.²³

In addition, the proximity of the Arena structure to the street curb edge would create concerns about public safety in the event of an emergency egress situation, and could be challenging even during normal event conditions.

²³ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

Community, Customer and Fan Experience

From an operational perspective, modern sports facilities rely on multiple layers of security and control, and not on a single point of control for entry and exit of fans and visitors. The Proposed Project would separate the initial screening process from the ticket check to allow for a secure checkpoint away from the physical entrance to the Arena, to be followed by a second check at the door. This provides a more flexible and secure operation that can adapt to the specific requirements of different events. In addition, because of the relatively long and narrow configuration of the open space, the project architect indicates that Alternative 3 would not provide a clear entry and could become unsafe in larger gatherings. The project architect has reviewed the configuration of Alternative 3 (see Draft EIR Figure 6-2), and determined that the linear configuration of the Plaza under Alternative 3 would compromise the ability to achieve optimal security operations at the Arena.²⁴

One of the basic objectives of the project applicant is “synergistic with nearby existing and proposed uses and incorporates state-of-the-art urban design and venue design principles.” The project architect has stated that to achieve this objective, the open space needs to be “of a reasonable size and shape, and supported by a balanced mix of sizes that create a destination, integrates the site into the urban fabric of the community and connects the development to other neighborhood amenities.” The architect has indicated that the creation of a “Champions Plaza,” where fans can gather to celebrate significant wins or achievements, is essential to meeting that objective. Alternative 3, as presented in the Draft EIR, would include a relatively narrow linear open space that connects to North Eucalyptus Avenue, West Beach Avenue, and Cable Plaza, each of which leads to industrial facilities and associated parking areas and loading docks.²⁵ Because of the nature of the adjacent uses and the linear configuration of the open space that would serve to funnel people toward those uses, Alternative 3 would not create the synergistic connections to the community sought by the project applicant.

Team Operations

Similar to Alternative 2, the LA Clipper’s team front office would remain in Downtown Los Angeles under Alternative 3, and the LA Clippers would continue to use their practice and training facility in the Playa Vista neighborhood of Los Angeles. As a result, members of the team front office would be required to travel back and forth between the team’s offices and the downtown arena to attend games. Similar to Alternative 2, this trip would take approximately 20-25 minutes during the non-peak hour, although it would be faster to take the I-10 freeway west and South La Brea Avenue south to the City Services Center site. However, during the PM peak hour, which would occur shortly before games typically start on weekdays, travel time could approximately double. As a result, employees would spend up to an hour traveling, which is time that could be put to more productive use if their offices were co-located with the arena.

Further, consistent with the project applicant’s stated objective to “[b]uild the long-term home of the LA Clippers basketball team,” the project architect states that state-of-the-art sports training at the NBA level requires a close relationship between the training, management, and game facilities. As such, the integration of the Arena, the training facility, LA Clippers administrative offices, as described for the Proposed Project, would provide for an immersive, secure environment for players to train, eat, receive medical support, and play games, and would

²⁴ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

²⁵ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

allow for close and regular interaction between the LA Clippers players, coaches, trainers, medical personnel, nutritionists, senior management, and other support staff.²⁶ Under Alternative 3, the LA Clippers administrative offices would remain in downtown Los Angeles, the team's training facility would remain in Playa Vista, and there would be limited other support and ancillary uses at the City Services Center Alternative Site, which would compromise the ability to achieve the optimal training environment determined necessary by the project applicant.

Traffic Constraints

The streets in the vicinity of the City Services Center site are curvier, more discontinuous, and have less arterial capacity than the streets in the vicinity of the Project Site. Similar to the Proposed Project, under Alternative 3 a total of 4,215 parking spaces would be provided in two 8-story and one 7-story parking structures on the City Services Center site. One garage (2,300 spaces) would be accessible via Eucalyptus Avenue and two garages (1,915 spaces) that would be accessible via Beach Avenue. Both Eucalyptus and Beach Avenues are two lane streets that provide direct access the two major arterials near the Project Site – Florence Avenue one block to the south and La Brea Avenue one block to the north/east. Traffic generated by up 4,215 vehicles entering/leaving the City Services Center site before/after events would quickly overwhelm the nearby intersections along Florence and La Brea Avenues, thus forcing traffic through neighborhoods to the north of the site. This traffic would quickly overwhelm the capacity of local street system, thus resulting in traffic gridlock. In addition, although the City Services Center Alternative site is closer to the I-405 freeway (0.6 miles) than is the Proposed Project (1.3 miles), it is farther from the I-110 and I-105 freeways; thus, regional trips would not be distributed as evenly and freeway impacts would be concentrated on the I-405.

Alternative 4: Baldwin Hills Alternative Site

This alternative does not appear to be feasible for the following reasons: (1) the alternative site is located in a different jurisdiction; (2) the alternative site may not be available for purchase; (3) construction of the Proposed Project on the alternative site may not be feasible; (4) constraints associated with the local roadway system; and (5) none of the City's stated objectives for the Proposed Project would be achieved. A more detailed discussion of each reason is provided below.

Jurisdictional Constraints

The Baldwin Hills Alternative Site is located within the City of Los Angeles. Construction of the Proposed Project on the Baldwin Hills Alternative site would require approval by the City of Los Angeles City Council. The City of Los Angeles approved a plan to modernize and redevelop the existing Baldwin Hills Crenshaw Plaza shopping mall in 2018. The plan calls for the demolition of approximately 13,400 square feet of retail/restaurant space and the construction of about 44,200 square feet of retail/restaurant space, a 400-room hotel, and 410 apartment units on the Baldwin Hills Alternative site; the existing mall buildings and theater are planned to remain. Although no project-specific permits have been submitted for the Baldwin Hills Alternative Site,²⁷ given the amount of development planned for the site, it is uncertain as to whether the City would consider an alternative plan for the site so soon after approval.

²⁶ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

²⁷ Luciralia Ibarra, City Planner, City of Los Angeles, personal communication, March 25, 2020.

Site Availability

The project applicant does not control or own the Baldwin Hills Alternative Site. In addition, as discussed above, a plan to modernize and redevelop the existing Baldwin Hills Crenshaw Plaza shopping mall was approved by the Los Angeles City Council in 2018. Given the amount of development proposed for the site and the effort that went into obtaining the approval of these entitlements, it is unknown if the Baldwin Hills Alternative site is available for purchase, or if the owner of the site would be willing to sell to the project applicant. In addition, the plan to modernize and redevelop the site is currently subject to ongoing litigation, which could put a damper on the ability of the project applicant to purchase the property before the litigation is resolved.²⁸

Site Feasibility

The proximity of existing and future on-site retail uses and nearby residential neighborhoods bring the feasibility of Alternative 4 into question. Much of the parking that supports the current retail uses on the site would also be required to serve employees and attendees before, during, and after events at the Arena. Although some sharing is possible, the conflicting and overlapping schedules with the cinema and other major retail facilities that would remain on the northern part of the Alternative 4 site would create a significant parking, traffic, and operational challenges that could result in adverse effects to the existing and remaining businesses, or result in spillover effects in nearby neighborhoods (discussed further below under Traffic Constraints).

Traffic Constraints

With the retained commercial/retail facilities on the site fronting on Crenshaw Boulevard and West Martin Luther King Jr. Boulevard, access to the Arena-related parking would be limited to Santa Rosalia Drive, Stocker Street, and Marlton Avenue, all four-lane streets designed to meet the needs of a regional shopping center, but not to accommodate the peaking. Santa Rosalia Drive, in particular, connected to significant residential neighborhoods, and this could create conflicts during the overlap between rush hour and event traffic.

While the Baldwin Hills Alternative site is located adjacent to arterial roadways with large capacities, similar to the Proposed Project, regional highway facilities are located further from the site than the regional highway facilities that serve the Project Site. In particular, the Santa Monica Freeway (I-10) is located approximately 1.6 miles to the north, the Harbor Freeway (I-110) is located about 3.1 miles to the east, and the San Diego Freeway (I-405) is located approximately 3.5 miles to the west. As a result, traffic generated under Alternative 4 would have to travel farther to and from regional highway facilities, resulting in more potential affected intersections that could be adversely affected along roadways leading to the Baldwin Hills Alternative site.

City Objectives

Under the Baldwin Hills Alternative none of the City's objectives for the Proposed Project would be achieved. Specifically, none of the City's objectives to enhance the community would be accomplished. For example, the City would be unable to achieve its goals of promoting the City as a premier regional sports and entertainment center (City Objective 1), enhancing the City's general economic health by stimulating new business and economic activity (City Objective 2), and constructing (with private funds) a public assembly space that would host sporting, cultural, business, and community events (City Objective 8).

²⁸ Luciralia Ibarra, City Planner, City of Los Angeles, personal communication, March 25, 2020.

City of Inglewood Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City's residents. Contrary to these goals, Alternative 4 would eliminate all increases in revenues to the City and the Inglewood Unified School District, including if the Proposed Project were fully developed the addition of up to approximately 7,300 jobs over \$1 billion in economic activity due to project construction, up to approximately 1,500 net new ongoing jobs and up to approximately \$250 million in annual economic output.²⁹ While under the Baldwin Hills Alternative an equivalent level of economic benefits would likely accrue in the City of Los Angeles, none of the noted economic development benefits would accrue to the City of Inglewood.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 4, the proposed Project Site would not be developed as under the Proposed Project. Similar to the No Project Alternative, the Project Site would remain vacant and under-developed. Agreements between the FAA and the City under the AIP program provide that the City and the Successor Agency must use their best efforts to dispose of parcels acquired under this program at a fair market value at the earliest practicable time. Holding the Project Site vacant under Alternative 4 would be inconsistent with the obligation to use such best efforts, as specified in grant agreements under the FAA AIP program. Alternative 4 would also be inconsistent with the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Project Schedule and Costs

In addition to site acquisition, the proposed arena and associated development would require a complete redesign, including necessary NBA review and approval, along with review and approval through the City of Los Angeles, including preparation of a new CEQA document. The need to restart the planning and entitlement process would result in schedule extensions that would obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season.

The Alternative 4 site also does not meet the definition of "project area" included in PRC section 21168.6.8(a)(5). Thus, Alternative 4 would not meet the requirements for compliance with AB 987. As a result of this change, should the adequacy of the EIR be litigated, rather than the AB 987 dictated 270-day process for legal proceedings, including any potential appeals, the project would be subject to the established legal process which can take three or more years. As a result of a more extended legal process, litigation regarding the adequacy of the EIR for Alternative 2 would likely obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season. That is because construction financing is often unavailable while CEQA litigation is pending, meaning that construction would not be able to proceed until after litigation is resolved even if no injunction is issued. Indeed, the extent to which CEQA litigation interferes with the ability to move forward with projects while such litigation is pending is a central aim of statutes, such as AB 987, establishing an accelerated time frame for the resolution of CEQA litigation. (See, e.g., Legislative Findings

²⁹ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, pages 4 to 5.

adopted pursuant to Assembly Bill 734 (2018 Stats. Chapter 959, § 1), Senate Bill 743 (2013 Stats, Chapter 386, § 1.) The same considerations apply here.

Loss of Environmental Benefits

Under AB 987, the project applicant has committed to a Greenhouse Gas (GHG) reduction plan that includes a number of local measures that would provide benefits in the City of Inglewood. These measures include such commitments as (1) replacement of 10 municipal fleet vehicles with Zero Emissions Vehicles (ZEVs) and construction of related infrastructure for those vehicles; (2) replacement of 2 transit vehicles that operate within the City with ZEVs and construction of related infrastructure for those vehicles; (3) installation of 20 electric vehicle charging stations at locations within the City available for public user for charging electric vehicles; (4) development of a program for planting of 1,000 trees within the City; and (5) implementation of a program to purchase and installation of 1,000 electric vehicle charging units for residential use in local communities near the Project Site, with City residents given a priority for participation. Because AB 987 would not apply at this site, these measures would not be implemented under Alternative 4.

Loss of Public Benefits

As described in the Development Agreement, the Proposed Project would provide the City, its residents, and the surrounding region with an extensive array of public benefits. The public benefits would total approximately \$100 million and would include (1) the creation of local jobs and workforce equity; (2) commitments to affordable housing and renter support; (3) rehabilitation of Morningside Park Library and creation of a community center; (4) support for City of Inglewood youth and education; (5) support for social and educational programs at the Inglewood Senior Center; (6) renovation of public basketball courts in Inglewood; (7) community engagement and collaboration, including use of the arena for charitable causes, and access to NBA games for community groups. These public benefits would not be provided to the City of Inglewood under Alternative 4.

Alternative 5: The District at South Bay Alternative Site

This alternative does not appear to be feasible for the following reasons: (1) the alternative site is located in a different jurisdiction; (2) the alternative site may not be available for purchase; (3) unique constraints associated with the alternative site's former use as a land fill; (4) accessibility to public transit; (5) fan base proximity; and (6) none of the City's stated objectives for the Proposed Project would be achieved. A more detailed discussion of each reason is provided below.

Jurisdictional Constraints

The District at South Bay Alternative Site is located within the City of Carson. Construction of the Proposed Project on the alternative site, would require approval by the Carson City Council. In 2006, the City of Carson adopted the Carson Marketplace Specific Plan, which proposed constructing a mix of commercial and residential uses. In 2011, the specific plan was amended and renamed "The Boulevards at South Bay Specific Plan." In 2015, the specific plan area was proposed as the location for an NFL Stadium that would have served as the home for the San Diego Chargers and Oakland Raiders franchises; however, the site was ultimately not chosen. In 2018, the specific plan was further amended to allow for regional commercial uses and renamed "The District at South Bay Specific Plan." Under the current adopted plan, the site would be developed with a total of 1,250 residential units and approximately 1.8 million square feet of commercial uses including approximately 711,500

square feet of regional commercial uses, including outlet and restaurant uses, and 890,000 square feet of regional retail center, neighborhood-serving commercial, restaurant, and commercial recreation/entertainment uses, as well as 350 total rooms in two hotels. The 711,500-square-foot regional commercial center (Los Angeles Premium Outlets) is currently under construction on the approximately 30-acre eastern portion of the specific plan area, adjacent to the I-405. Given the amount of development planned for the site and the extensive planning that has been previously undertaken, it is uncertain if the City would consider an alternative plan for the site so soon after approval of the current plan.

Site Availability

The project applicant does not control or own the District at South Bay Alternative Site. As discussed above, development on the District at South Bay Alternative Site has been contemplated for a number of years, and construction of a commercial center on a portion of the site is underway. Given the amount of development proposed for the site and the effort that went into obtaining the approval of these entitlements, it is unknown if the undeveloped portion of the site is available for purchase or if the owner of the site would be willing to sell to the project applicant. In addition, the City of Carson is currently in negotiations with a developer to construct commercial retail/entertainment and industrial uses on a 90-acre portion of the site, and if the negotiations are successful, then a large portion of the site would be unavailable for purchase.³⁰

Hazardous Materials Constraints

The District at South Bay Alternative site is a former Class II landfill that is currently undergoing remediation and closure. The DTSC Remedial Action Plan for the alternative site requires the creation of an impervious cap across the site underlain by clean fill. Thus, in order to avoid damaging the cap, instead of excavating to a depth of up to 35 feet and removing approximately 376,000 cubic yards of earth, construction of an arena on the alternative site would require the import of a similar amount of soil in order to build up the land underneath the arena to avoid disturbing buried landfill materials. Even with the build-up of the site, penetration of the cap would be required in order to put in place support piles to bear the weight of the structure. Any penetration of the cap would require re-sealing and repair of the cap.

The need to build the Arena above ground would also create significant operational challenges and increase the costs of the building structure itself. The project architect indicates that in a typical modern arena, the main concourse, typically feeds the lower bowl of an arena, and thus is usually 30 to 50 feet above the event floor. The City has observed that this is the case in recently constructed arenas in San Francisco and Sacramento. Under Alternative 5, the elevation of the concourse 30 to 50 feet above ground level would, according to the project architect, create a challenge for the safe movement of fans and would require the entire development to be raised on a podium, including the public plaza/open space, which would involve significant cost increases.³¹

The costs and time associated with importing backfill sufficient to raise both the Arena and the surrounding development area; repairs to the impervious cap and other work within the contaminated and ongoing remediation of soils; and additional building structure, façade, and internal features such as escalators and elevators due to a higher above ground structure, would be significant, and would add to the cost and extend the schedule of

³⁰ Raymond, John, Assistant City Manager, City of Carson, personal communication, March 25, 2020.

³¹ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

constructing the arena at the District at South Bay Alternative Site, as compared to the Proposed Project. The added cost for the Arena, not including the costs for raising the surrounding development area, is estimated to range from \$35-70 million, an additional \$5-15 million for special construction within contaminated soils and ongoing remediation, and considerable extended time to accommodate additional design and construction.³²

As a result of the need to minimize any potential damage to the cap and disturbance of other ongoing remediation activities, the only way to supply the necessary parking for the Arena would be to create an Arena that would be an “island” type destination, surrounded by a large expanse of surface parking. The project architect has indicated that this type of development is inconsistent with modern best practice arena design and urban placemaking.³³ As such, Alternative 5 would be inconsistent with project applicant objective 3, which is to “[d]esign a Project that is synergistic with nearby existing and proposed uses and incorporates state-of-the-art urban design and venue design principles.”

Public Transit Inaccessibility

Bus service to the District at South Bay Alternative site is provided by the City of Carson’s bus system, Carson Circuit, which provides connections to the Metro Blue Line (Light Rail), Metro Silver Line (Bus Rapid Transit) and to regional bus service provided by Torrance Transit, the MTA, Long Beach Transit and Gardena Municipal Bus Lines. The nearest bus stop is located at the intersection of Del Amo Boulevard and Main Street, located adjacent to the northwest corner of the project site, and multiple bus lines running north-south along Avalon Boulevard. The District at South Bay Alternative site is not as close to expansive public transit, such as light rail and regional bus transit, as the Proposed Project and several of the proposed alternatives. The site is located approximately 3.5 miles from the Metro Blue Line station at Del Amo Boulevard, approximately 1.5 miles from the Metro Silver Line station on the I-110 freeway at Carson Street, and approximately 1.8 miles from the Harbor Gateway Transit Center. Although it is assumed that the Proposed Project would provide shuttle service to the Blue and Silver Lines similar to the proposed shuttle service to the Crenshaw/LAX and Green Lines to be provided as part of the Proposed Project, given the distance of stations from the District at South Bay Alternative site, these transit options might not be as desirable as driving to the site given the close proximity of the I-405 freeway, which is adjacent to the site.

Fan Base Proximity

Alternative 5 does not meet one of the project applicant’s basic objectives for the project. Objective 1(b) states: “Locate a basketball and entertainment center on a site that is geographically desirable and accessible to the LA Clippers’ current and anticipated fan base.” The District at South Bay Alternative site is located approximately 11 miles southeast of the Project Site. As such, the site is located 11 miles further away from the Clippers’ current home at Staples Arena in downtown Los Angeles. As part of its site selection process, the project applicant engaged a team of experienced professionals to identify sites in the greater Los Angeles area that could accommodate a new, state-of-the-art Arena and Arena support uses. The preliminary analysis included sites in and around downtown Los Angeles, on the west side of Los Angeles, and also sites as far south as Long Beach. Of the sites to the south, the District at South Bay site was the closest to the preferred west side location, but was

³² AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

³³ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

ultimately deemed less desirable than other options that were closer to the current and anticipated future fan base.³⁴ For these reasons, the project applicant has indicated that this location would not achieve project applicant Objective 1(b).

City Objectives

Under the District at South Bay Alternative none of the City's objectives for the Proposed Project would be achieved. Specifically, none of the City's objectives to enhance the community would be accomplished. For example, the City would be unable to achieve its goals of promoting the City as a premier regional sports and entertainment center (City Objective 1), enhancing the City's general economic health by stimulating new business and economic activity (City Objective 2), and constructing (with private funds) a public assembly space that would host sporting, cultural, business, and community events (City Objective 8).

City of Inglewood Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City's residents. Contrary to these goals, the District at South Bay Alternative would eliminate all increases in revenues to the City and the Inglewood Unified School District, including approximately 7,300 jobs and over \$1 billion in economic activity due to project construction, approximately 1,500 net new ongoing jobs, and approximately \$250 million in annual economic output.³⁵ While under the District at South Bay Alternative an equivalent level of economic benefits would likely accrue in the City of Carson, none of the noted economic development benefits would accrue to the City of Inglewood.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 5, the proposed Project Site would not be developed as under the Proposed Project. Similar to the No Project Alternative, the Project Site would remain vacant and under-developed. Agreements between the FAA and the City under the AIP program provide that the City and the Successor Agency must use their best efforts to dispose of parcels acquired under this program at a fair market value at the earliest practicable time. Holding the Project Site vacant under Alternative 5 would be inconsistent with the obligation to use such best efforts, as specified in grant agreements under the FAA AIP program. Alternative 5 would also be inconsistent with the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Project Schedule and Costs

In addition to site acquisition, the proposed arena and associated development would require a complete redesign, including necessary NBA review and approval, along with review and approval through the City of Carson, including preparation of a new CEQA document. As noted above, the redesigned project would have to account

³⁴ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

³⁵ HR&A, *Economic and Fiscal Impact Report: Inglewood Basketball and Entertainment Center*, May 2020, pages 4 to 5.

for the presence of hazardous materials at the site, which would increase design and construction costs as compared to the Proposed Project. In addition, the need to restart the planning and entitlement process would result in schedule extensions that would obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season.

The District at South Bay Alternative site also does not meet the definition of "project area" included in PRC section 21168.6.8(a)(5). Thus, Alternative 5 would not meet the requirements for compliance with AB 987. As a result of this change, should the adequacy of the EIR be litigated, rather than the AB 987 dictated 270-day process for legal proceedings, including any potential appeals, the project would be subject to the established legal process which can take three or more years. As a result of a more extended legal process, litigation regarding the adequacy of the EIR for Alternative 2 would likely obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season. That is because construction financing is often unavailable while CEQA litigation is pending, meaning that construction would not be able to proceed until after litigation is resolved even if no injunction is issued. Indeed, the extent to which CEQA litigation interferes with the ability to move forward with projects while such litigation is pending is a central aim of statutes, such as AB 987, establishing an accelerated time frame for the resolution of CEQA litigation. (See, e.g., Legislative Findings adopted pursuant to Assembly Bill 734 (2018 Stats. Chapter 959, § 1), Senate Bill 743 (2013 Stats, Chapter 386, § 1.) The same considerations apply here.

Loss of Environmental Benefits

Under AB 987, the project applicant has committed to a Greenhouse Gas (GHG) reduction plan that includes a number of local measures that would provide benefits in the City of Inglewood. These measures include such commitments as (1) replacement of 10 municipal fleet vehicles with Zero Emissions Vehicles (ZEVs) and construction of related infrastructure for those vehicles; (2) replacement of 2 transit vehicles that operate within the City with ZEVs and construction of related infrastructure for those vehicles; (3) installation of 20 electric vehicle charging stations at locations within the City available for public user for charging electric vehicles; (4) development of a program for planting of 1,000 trees within the City; and (5) implementation of a program to purchase and installation of 1,000 electric vehicle charging units for residential use in local communities near the Project Site, with City residents given a priority for participation. Because AB 987 would not apply at this site, these measures would not be implemented under Alternative 5.

Loss of Public Benefits

As described in the Development Agreement, the Proposed Project would provide the City, its residents, and the surrounding region with an extensive array of public benefits. The public benefits would total approximately \$100 million and would include (1) the creation of local jobs and workforce equity; (2) commitments to affordable housing and renter support; (3) rehabilitation of Morningside Park Library and creation of a community center; (4) support for City of Inglewood youth and education; (5) support for social and educational programs at the Inglewood Senior Center; (6) renovation of public basketball courts in Inglewood; (7) community engagement and collaboration, including use of the arena for charitable causes, and access to NBA games for community groups. These public benefits would not be provided to the City of Inglewood under Alternative 5.

Alternative 6: Hollywood Park Specific Plan Alternative Site

The Hollywood Park Specific Plan Alternative does not appear to be feasible for the following reasons: (1) the alternative site may not be available for purchase; (2) it may not be feasible to construct the Proposed Project on the alternative site; (3) the Project Site would remain underutilized, thus not meeting the City's vision for the site; and (4) parking on the alternative site is constrained. A more detailed discussion of each reason is provided below.

Site Availability

The project applicant does not control or own the Hollywood Park Specific Plan Alternative Site within the HPSP area, which is located directly to the north of the Project Site across West Century Boulevard. In 2009, the City of Inglewood adopted the Hollywood Park Specific Plan, which proposed constructing a mix of office, commercial, residential, and community serving uses on the 238-acre site. In 2015, the Specific Plan was amended to include an NFL stadium. The City of Inglewood has approved construction plans or issued building permits for, and construction has commenced on, significant portions of the HPSP area, including the construction of a 70,000-seat open air NFL Stadium, a 6,000-seat performance venue, 518,077 square feet (sf) of retail and restaurant uses, 466,000 sf of office space, 314 residential units, an 11.89-acre park, a 4-acre civic use, and approximately 9,900 parking spaces. Given the amount of development proposed within the HPSP area and the effort that went into obtaining the approval of these entitlements, it is unknown if the site is available for purchase or if the owner of the site would be willing to sell to the project applicant.

Site Feasibility

Development of the Hollywood Park Specific Plan Alternative within the HPSP area would displace uses planned under the Hollywood Park Specific Plan Alternative site to other portions of the HPSP area, and there may not be sufficient space within the HPSP area to accommodate these displaced uses.

Because of the desire to limit the displacement of previously planned and approved uses in the HPSP area, the Alternative 6 site would provide limited amount of plaza space (approximately 104,650 sf as shown in Draft EIR Figure 6-5, page 6-70) that may be insufficient to meet the requirements necessary for safe ingress and egress of Arena crowds, and may not provide sufficient space or the proper configuration to accommodate the project applicant's "Champions Plaza" concept. Because of the limited size of the site and available plaza space, it is likely that Arena crowds would spill over into adjacent landscaped open spaces that are part of the Lake Park in the Hollywood Park Specific Plan. This small size and lack of plaza area would exacerbate safety and operational concerns if simultaneous events are held at the NFL Stadium and the Alternative 6 arena, as the current Lake Park open space was designed, in part, to accommodate the crowd flows before and after Stadium events.³⁶

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 6, the proposed Project Site would not be developed as under the Proposed Project. Similar to the No Project

³⁶ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

Alternative, the Project Site would remain vacant and under-developed. Agreements between the FAA and the City under the AIP program provide that the City and the Successor Agency must use their best efforts to dispose of parcels acquired under this program at a fair market value at the earliest practicable time. Holding the Project Site vacant under Alternative 6 would be inconsistent with the obligation to use such best efforts, as specified in grant agreements under the FAA AIP program. Alternative 6 would also be inconsistent with the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Parking Constraints

The Proposed Project would demand approximately 7,700 parking spaces for LA Clippers basketball games, and up to 8,100 parking spaces for sold out concert events. According to City's Municipal Code, the Proposed Project would be required to provide 4,125 parking spaces with the remaining parking spaces provided off-site. The Hollywood Park Specific Plan Alternative would provide 1,045 spaces, which is only about a quarter of the spaces required by code. As a result, up to approximately 7,000 off-site parking spaces would be required under this alternative, most likely among the 9,900 spaces provided within the HPSP area. However, the HPSP requires that "no less than 9,000 spaces located throughout the HPSP area be made available" for the NFL Stadium. As a result, under the Hollywood Park Specific Plan Alternative events at the arena and stadium could not overlap; events at the arena would have to be scheduled when the stadium is not in use, thus potentially resulting in fewer events at the arena.

City of Inglewood Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City's residents. The Hollywood Park Specific Plan Alternative would involve the development of the same or substantially similar components of the Proposed Project on approximately 12 acres. It is assumed that it would generate the same approximate revenues to the City and the Inglewood Unified School District as the Proposed Project.

City Objectives for the Proposed Project

Alternative 6 would not be responsive to City Objective 5 to "[t]ransform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Project Schedule and Costs

In addition to site acquisition, the proposed arena and associated development would require a complete redesign, including necessary NBA review and approval, along with review and approval through the City Inglewood, including preparation of a new CEQA document to support changes to the Hollywood Park Specific Plan. The need to restart the planning and entitlement process would result in schedule extensions that would obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season.

Further, the Alternative 6 site also does not meet the definition of "project area" included in PRC section 21168.6.8(a)(5). Thus, Hollywood Park Specific Plan Alternative would not meet the requirements for compliance with AB 987. As a result of this change, should the adequacy of the EIR be litigated, rather than the

AB 987 dictated 270-day process for legal proceedings, including any potential appeals, the project would be subject to the established legal process which can take three or more years. As a result of a more extended legal process, litigation regarding the adequacy of the EIR for Alternative 2 would likely obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season. That is because construction financing is often unavailable while CEQA litigation is pending, meaning that construction would not be able to proceed until after litigation is resolved even if no injunction is issued. Indeed, the extent to which CEQA litigation interferes with the ability to move forward with projects while such litigation is pending is a central aim of statutes, such as AB 987, establishing an accelerated time frame for the resolution of CEQA litigation. (See, e.g., Legislative Findings adopted pursuant to Assembly Bill 734 (2018 Stats. Chapter 959, § 1), Senate Bill 743 (2013 Stats, Chapter 386, § 1.) The same considerations apply here.

Loss of Environmental Benefits

Under AB 987, the project applicant has committed to a Greenhouse Gas (GHG) reduction plan that includes a number of local measures that would provide benefits in the City of Inglewood. These measures include such commitments as (1) replacement of 10 municipal fleet vehicles with Zero Emissions Vehicles (ZEVs) and construction of related infrastructure for those vehicles; (2) replacement of 2 transit vehicles that operate within the City with ZEVs and construction of related infrastructure for those vehicles; (3) installation of 20 electric vehicle charging stations at locations within the City available for public user for charging electric vehicles; (4) development of a program for planting of 1,000 trees within the City; and (5) implementation of a program to purchase and installation of 1,000 electric vehicle charging units for residential use in local communities near the Project Site, with City residents given a priority for participation. Because AB 987 would not apply at this site, these measures would not be implemented under Alternative 6.

Alternative 7: The Forum Alternative Site

This alternative does not appear to be feasible for the following reasons: (1) it may not be feasible to construct the Proposed Project on the alternative site; (2) the Project Site would remain underutilized, and thus not meet the City's vision for the site; and (3) construction of the Proposed Project would result in the loss of an historic resource. A more detailed discussion of each reason is provided below.

Site Feasibility

To efficiently distribute parking for the operation of the Arena on the Alternative 7 site, the main parking structure under this Alternative would be located on the north side of the site, along West Manchester Boulevard, and additional surface parking would be accessed from the east, off of Kareem Court and Pincay Drive. As a result of these access requirements, the primary plaza and open space for Alternative 7 would be aligned along the western edge of the site, between the arena structure and South Prairie Avenue. The project architect has stated that the resulting linear shape of the plaza, and high level of exposure to South Prairie Avenue, a 6-lane arterial, would inhibit the creation of a unique urban environment and would be contrary to best practices in urban placemaking.³⁷

³⁷ AECOM, *Design and Operations Considerations of EIR Alternatives*, Letter from Bill Hanway, Executive Vice President, Global Sports Leader, AECOM to Chris Holmquist, Wilson Meany, May 7, 2020.

Loss of Historic Resource

The Forum Alternative site is currently developed with an historic concert venue known as The Forum. The Forum is an approximately 350,000 sf arena that opened in 1967 and until 1999 was the home of the NBA Los Angeles Lakers, the NHL Los Angeles Kings, and the WNBA Los Angeles Sparks, and hosted other major sporting events and other athletic competitions, concerts, and events. In 2012, The Forum underwent comprehensive renovation and rehabilitation that included structural, aesthetic, and amenity improvements completed in 2014 to convert The Forum into a world-class concert and event venue. In addition, The Forum was listed on the National Register of Historic Places and the California Register of Historic Resources in 2014 as an architecturally significant historic place worthy of preservation. The renovation of The Forum was funded in part by federal tax credits for its restoration as a National Register-listed building and an \$18 million loan from the City of Inglewood for the restoration and rehabilitation of the structure. As it is not structurally feasible to renovate the existing Forum building to meet the requirements of a modern NBA arena, the existing Forum building would need to be demolished under this alternative, thus resulting in the significant and unavoidable impact associated with the loss of a historic resource. Finally, even if it was structurally feasible to renovate the arena, these changes would remove or substantially alter the character defining features of The Forum that make it eligible for listing on the National Register and California Register.

City Objectives for the Proposed Project

The Forum Alternative would meet some of City's objectives for the Proposed Project. The Forum Alternative would meet the City's goals of becoming a regional sports and entertainment center (City Objective 1) and stimulating economic development (City Objective 2), however because this alternative would involve demolition of an existing entertainment venue, The Forum, in order to build a new sports and entertainment venue of similar size, it would not achieve these goals to the same extent as the Proposed Project. As explained above, The Forum site is currently developed with a large entertainment venue, and while there are surrounding surface parking lots that can be seen as underdeveloped, the Forum Alternative site is not underutilized to the same degree as the Project Site.

Because City Objective 5 is to "[t]ransform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City," Alternative 7 would not be as responsive to this objective as the Proposed Project. Finally, because the Forum Alternative would result in a new significant and unavoidable impact as a result of the demolition of the historic Forum building, it would be less responsive than the Proposed Project to City Objective 10, which calls for the project objectives to be achieved "in an expeditious and environmentally conscious manner."

City of Inglewood Economic Development Goals

As discussed under No Project Alternative, above, the City of Inglewood has long-standing goals articulated in the General Plan Land Use Element which call for the promotion of economic development that would generate opportunities and employment for the City's residents. Contrary to these goals. The Forum Alternative would involve the development of the same or substantially similar components of the Proposed Project on approximately 28 acres currently occupied by the historic Forum concert and event venue and ancillary structures and surface parking, it would generate the same approximate revenues to the City and the Inglewood Unified School District as the Proposed Project. However, it would result in the demolition of The Forum entertainment venue, and would eliminate the current revenue that is generated to the City, which is materially larger than the

revenue generation from the uses on the proposed Project Site. As such, The Forum Alternative would generate a materially smaller level of net new economic development than the Proposed Project.

Inconsistency with Federal Aviation Administration Airport Improvement Program Grant

As discussed above under Alternative 1, the intent of the AIP program is that the land in question acquired by the City and Successor Agency be cleared of incompatible uses, and that the grant recipients use their best efforts to dispose of the land at fair market value for development with airport compatible uses. Under Alternative 7, the proposed Project Site would not be developed as under the Proposed Project. Similar to the No Project Alternative, the Project Site would remain vacant and under-developed. Agreements between the FAA and the City under the AIP program provide that the City and the Successor Agency must use their best efforts to dispose of parcels acquired under this program at a fair market value at the earliest practicable time. Holding the Project Site vacant under Alternative 7 would be inconsistent with the obligation to use such best efforts, as specified in grant agreements under the FAA AIP program. Alternative 7 would also be inconsistent with the City's objective to "transform vacant or underutilized land within the City into compatible land uses within aircraft noise contours generated by operations at LAX, in compliance with Federal Aviation Administration (FAA) grants to the City."

Project Schedule and Costs

In addition to site acquisition, the proposed arena and associated development would require a complete redesign, including necessary NBA review and approval, along with review and approval through the City of Inglewood, including preparation of a new CEQA document. The need to restart the planning and entitlement process would result in schedule extensions that would obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season.

The Alternative 7 site also does not meet the definition of "project area" included in PRC section 21168.6.8(a)(5). Thus, The Forum Alternative would not meet the requirements for compliance with AB 987. As a result of this change, should the adequacy of the EIR be litigated, rather than the AB 987 dictated 270-day process for legal proceedings, including any potential appeals, the project would be subject to the established legal process which can take three or more years. As a result of a more extended legal process, litigation regarding the adequacy of the EIR for Alternative 2 would likely obstruct the ability to meet the project applicant's schedule objective to open in time for the 2024-25 NBA season. That is because construction financing is often unavailable while CEQA litigation is pending, meaning that construction would not be able to proceed until after litigation is resolved even if no injunction is issued. Indeed, the extent to which CEQA litigation interferes with the ability to move forward with projects while such litigation is pending is a central aim of statutes, such as AB 987, establishing an accelerated time frame for the resolution of CEQA litigation. (See, e.g., Legislative Findings adopted pursuant to Assembly Bill 734 (2018 Stats. Chapter 959, § 1), Senate Bill 743 (2013 Stats, Chapter 386, § 1.) The same considerations apply here.

Loss of Environmental Benefits

Under AB 987, the project applicant has committed to a Greenhouse Gas (GHG) reduction plan that includes a number of local measures that would provide benefits in the City of Inglewood. These measures include such commitments as (1) replacement of 10 municipal fleet vehicles with Zero Emissions Vehicles (ZEVs) and construction of related infrastructure for those vehicles; (2) replacement of 2 transit vehicles that operate within the City with ZEVs and construction of related infrastructure for those vehicles; (3) installation of 20 electric

vehicle charging stations at locations within the City available for public user for charging electric vehicles; (4) development of a program for planting of 1,000 trees within the City; and (5) implementation of a program to purchase and installation of 1,000 electric vehicle charging units for residential use in local communities near the Project Site, with City residents given a priority for participation. Because AB 987 would not apply at this site, these measures would not be implemented under Alternative 7.

Project Site Underutilization

As discussed above, parcels on the Project Site have remained vacant for a variety of reasons. If the Proposed Project were not to be constructed on the Project Site, these parcels would likely remain vacant for the foreseeable future, and thus the site would not be transformed to include land uses that are compatible with the existing noise environment.

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

AARON M. EPSTEIN, an individual,

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal
corporation; the CITY OF LOS ANGELES
PLANNING COMMISSION; and DOES 1
through 10, inclusive,

Respondents

Case No. BS108652

**PEREMPTORY WRIT OF
MANDATE**

Date: October 6, 2008
Dept. 86

[Hon. David P. Yaffe]

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

1 TO RESPONDENTS CITY OF LOS ANGELES AND CITY OF LOS ANGELES
2 PLANNING COMMISSION, INCLUDING ITS AREA PLANNING COMMISSIONS:

3
4 YOU ARE HEREBY COMMANDED immediately upon receipt of this writ:

- 5 1. To describe in all of the Planning Commission and Area Planning
6 Commission's posted agendas the actions that the Planning Commission and
7 Area Planning Commissions are requested to take at their meetings and
8 hearings under CEQA with the same degree of clarity, particularity, and
9 detail as used to describe the non-CEQA actions to be taken at the same
10 meetings and hearings, as quoted and described in Exhibit 1 hereto.
- 11 2. To identify in all of the Planning Commission and Area Planning
12 Commission's posted agendas the CEQA actions as actions that the
13 Planning Commission and Area Planning Commissions have been requested
14 or that they propose to take at their meetings and hearings.
- 15 3. Not to take any actions or to discuss any items under CEQA that are not
16 described in the Planning Commission and Area Planning Commission's
17 posted agendas with the clarity, particularity, and detail as quoted and
18 described in Exhibit 1 hereto.

19 YOU ARE HEREBY FURTHER COMMANDED that you shall, through an
20 authorized officer(s), make a return to the peremptory writ of mandate under oath
21 specifying what the City, Planning Commission and Area Planning Commissions have
22 done to comply with the writ and to file that return with the Court, and serve that return by
23 hand or facsimile upon Petitioner's counsel of record in this proceeding, within 90 days of
24 service of the writ on the City, Planning Commission and Area Planning Commissions.

25 COUNTY CLERK

26 ~~JOHN A. CLARKE, CLERK~~

27 DATED: NOV 12 2008 By: K.W. Kam
28 Deputy County Clerk, Clerk of Superior Court

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/06/08

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. HUDSON

DEPUTY CLERK

HONORABLE
3.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR # 9095

Reporter

9:30 am

BS108652

Plaintiff

Counsel

ROBERT P. SILVERSTEIN (X)

LA MIRADA AVENUE NEIGHBORHOOD

Defendant

VS

Counsel

TERRY P. K. MACIAS (X)

CITY OF LOS ANGELES ET AL

NATURE OF PROCEEDINGS:

HEARING ON PETITION FOR WRIT OF MANDATE;

Matter comes on for trial and is argued.

The Petition for Writ of Mandate is granted.

This is a proceeding under the Ralph M. Brown Act, Government Code section 54950 et seq, which is California's Local Agency Public Meeting Law. The legislative purpose of the law is to require local commissions, boards, and councils and other public agencies of the state to conduct the people's business in public (section 54950). One of the requirements of the law is that a public agency post an agenda 72 hours before each regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and to prohibit the legislative body of a local agency from undertaking any action or discussion on any item that does not appear on such posted agenda (section 54954.2(a)).

The evidence before the court, which is uncontradicted, shows that the City Planning Commission of the City of Los Angeles repeatedly posted agendas of its meeting during the year 2007 that clearly disclosed each action that it intended to take or discuss at a meeting except actions to be taken or

<p align="center">MINUTES ENTERED 10/06/08 COUNTY CLERK</p>
--

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/06/08

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. HUDSON

DEPUTY CLERK

HONORABLE
3.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR # 9095

Reporter

9:30 am

BS108652

Plaintiff

Counsel

ROBERT P. SILVERSTEIN (X)

LA MIRADA AVENUE NEIGHBORHOOD

Defendant

VS

Counsel

TERRY P. K. MACIAS (X)

CITY OF LOS ANGELES ET AL

NATURE OF PROCEEDINGS:

considered under the California Environmental Quality Act (Public Resources section 20000 et seq). Non-CEQA items were described under the heading "Requested Action" in terms such as the following: "Permit 11,373 square feet of alleys to be vacated and added to the billable area used to calculate floor area"; "permit zero foot side yard setbacks in lieu of the minimum sixteen foot side yards otherwise required"; "permit a mixed use development with a floor area ratio of 9.9:1 throughout the entire site in lieu of the maximum allowed ratio of 6:1"; "change the land use designation (by general plan amendment) from light manufacturing to regional commercial"; "permit a residential density of one unit per 136 square feet of net lot area throughout the entire site in lieu of the minimum allowed one unit per 200 square feet of net lot area."

In each of the foregoing meetings, the Planning Commission also took important action required by CEQA consisting of the adoption of a statement of overriding considerations, certification of a Final Environmental Impact Report, or the adoption of findings required by CEQA (Public Resources Code section 21081(a)). These actions were not described in the agenda in the same manner as the non-CEQA actions above quoted, nor were they placed under a heading of Requested Actions. The only information in the agenda that in any way identified the actions to be taken under CEQA was a cryptic reference like the following: "CEQA: ENV-2005-7720-EIR." Such cryptic

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/06/08

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. HUDSON

DEPUTY CLERK

HONORABLE
3.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR # 9095

Reporter

9:30 am

BS108652

Plaintiff

Counsel

ROBERT P. SILVERSTEIN (X)

LA MIRADA AVENUE NEIGHBORHOOD

Defendant

VS

Counsel

TERRY P. K. MACIAS (X)

CITY OF LOS ANGELES ET AL

NATURE OF PROCEEDINGS:

references are meaningless to most members of the public and do not in any way describe the particular action to be taken at the meeting under the California Environmental Quality Act.

Such descriptions not only violate the Ralph M. Brown Act, but they also violate the fundamental purpose of CEQA. "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.... The court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informative document." LAUREL HEIGHTS IMPROVEMENT ASSOCIATION v. REGENTS OF UNIVERSITY OF CALIFORNIA, 47 Cal.3d 376, 392(1988).

Petitioners are entitled to the issuance of a writ of mandate that commands the City Planning Commission to describe in its posted agendas the actions that it is requested to take at the meeting under CEQA with the same degree of clarity, particularity, and detail that it uses to describe the non-CEQA actions to be taken at the same meeting, as quoted above. The Planning Commission is also commanded to identify the CEQA actions as actions that it has been requested or that it proposes to take at the meeting. The Planning Commission is also to be commanded not to take any action or discuss any item under CEQA that is not

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/06/08

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. HUDSON

DEPUTY CLERK

HONORABLE
3.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR # 9095

Reporter

9:30 am

BS108652

Plaintiff

Counsel

ROBERT P. SILVERSTEIN (X)

LA MIRADA AVENUE NEIGHBORHOOD

Defendant

VS

Counsel

TERRY P. K. MACIAS (X)

CITY OF LOS ANGELES ET AL

NATURE OF PROCEEDINGS:

described with the clarity, particularity, and detail herein ordered. Petitioners are also entitled to a judgment that declares that the method that has been used to describe CEQA actions to be taken or discussed at Planning Commission meetings is unlawful and is to be discontinued.

Counsel for petitioners are to submit a proposed judgment and a proposed writ to this department within ten days with a proof of service showing that copies of said documents have been served upon opposing counsel by hand delivery or facsimile. The court will hold said documents for ten days before signing and filing the judgment and causing the clerk to issue the writ.

PROOF OF SERVICE

I, Arsineh Arakel, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is The Silverstein Law Firm, 215 North Marengo Ave, 3rd Floor, Pasadena, California 91101-1504. On October 24, 2008, I served the within document(s):

PEREMPTORY WRIT OF MANDATE

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below.

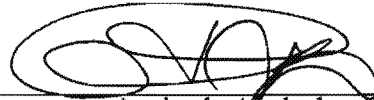
CASE NAME: **AARON EPSTEIN v. CITY OF LOS ANGELES, et al.**
CASE No.: **BS108652**

Terry P. Kaufmann Macias, Esq.
Los Angeles City Attorney's Office
Room 700, City Hall East
200 North Main Street
Los Angeles, CA 90012

Fax: (213) 978-8214

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 24, 2008, at Pasadena, California.



Arsineh Arakel

The Silverstein Law Firm, APC

June 30, 2020

**Brown Act Violations; Cure and Correct Demand in
Connection with City Council Meetings on June 9 and June
16, 2020 and Demand to Cease and Desist, Including Under
Govt. Code § 54960.2; IBEC Project SCH 2018021056;
Request to Include this letter in Record for IBEC DEIR**

EXHIBIT 9

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State