

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **November 4, 2009**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Alarcón, Cárdenas, Hahn, Huizar, LaBonge, Parks, Rosendahl, Smith, Wesson and Zine (10); Absent: Koretz, Perry, Reyes and President Garcetti (4); Vacant: Council District Two

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 30, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED
UPON DURING THE COUNCIL MEETING

Items Noticed for Public Hearing - Items 1-10

**Roll Call #2 - Motion (LaBonge - Zine) Adopted to Continue, Unanimous Vote (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 1-3)**

**ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 24, 2009**

[08-1040-S2](#)

CD 4

HEARING PROTESTS against the proposed improvement and maintenance of the Denny Avenue and Magnolia Boulevard No. 2 (Reballot) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Denny Avenue and Magnolia Boulevard No. 2 (Reballot) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on September 2, 2009 - Continue hearing and present Ordinance on NOVEMBER 24, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 24, 2009**

[09-1811](#)

CD 3

HEARING PROTESTS against the proposed improvement and maintenance of the Eton Avenue and Kittridge Street Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 2, 2009 - Continue hearing and present Ordinance on NOVEMBER 24, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 24, 2009**

[09-1910](#)

CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Sarah Street and Colfax Avenue Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 2, 2009 - Continue hearing and present Ordinance on NOVEMBER 24, 2009 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**Roll Call #4 - Motion (LaBonge - Cárdenas) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 4-5)**

ITEM NO. (4) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED

[08-3064](#)

CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of cleaning the lot at 1555 West 35th Place aka 1555-57 West 35th Place.
(Lien: \$300)

ITEM NO. (5) - PUBLIC HEARING CLOSED - LIEN CONFIRMED, AS AMENDED - SEE FOLLOWING

[08-3402](#)

CD 14

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of asbestos removal from the building(s) and monitoring of the asbestos removal at 4176 North Toland Way.
(Lien: \$4,576.53)

ADOPTED

MOTION (HUIZAR - LABONGE)

Recommendation for Council action:

AMEND the lien amount to cover the cost for asbestos monitoring at 4176 Toland Way in Council District 14 to \$553.35.

ITEM NO. (6) - RECEIVED AND FILED, INASMUCH AS A CHANGE OF OWNERSHIP

Roll Call #3 - Motion (Zine - Rosendahl) Adopted to Receive and File, Unanimous Vote (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)

[09-1961](#)

CD 3

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, cleaning and fencing of the lot at 19842 West Gilmore Street.
(Lien: \$11,053.55)

ITEM NO. (7) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED

Roll Call #4 - Motion (LaBonge - Cárdenas) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)

[09-2085](#)

CD 6

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of cleaning the lot at 7347 North Paso Robles Avenue. (Lien: \$2,156.80)

Roll Call #3 - Motion (Zine - Rosendahl) Adopted to Receive and File, Unanimous Vote (10); Absent: Koretz, Perry, Reyes and President Garcetti (4) (Item Nos. 8-10)

ITEM NO. (8) - RECEIVED AND FILED, INASMUCH AS THE LIEN HAS BEEN PAID

[09-2086](#)

CD 11

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, cleaning and fencing of the lot at 4260 South Michael Avenue. (Lien: \$10,152.16)

ITEM NO. (9) - RECEIVED AND FILED, INASMUCH AS THE LIEN HAS BEEN PAID

[09-2087](#)

CD 3

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading all openings, cleaning and fencing of the lot, and graffiti abatement at 17951 West Hemmingway Street. (Lien: \$9,567.20)

ITEM NO. (10) - RECEIVED AND FILED, INASMUCH AS THE LIEN HAS BEEN PAID

[09-2091](#)

CD 3

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of cleaning and fencing of the lot at 18860 West Ringling Street. (Lien: \$8,158.22)

Items for Which Public Hearings Have Been Held - Items 11-46

ITEM NO. (11) - CONTINUED TO NOVEMBER 6, 2009

Roll Call #21 - Motion (Wesson - Smith) Adopted to Continue, Unanimous Vote (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[08-2115](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Mr. Fernando Diaz to the Quality and Productivity Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Mr. Fernando Diaz to the Quality and Productivity Commission for the new term ending September 6, 2013 is APPROVED and CONFIRMED. Mr. Diaz's term expired on September 6, 2009. Mr. Diaz resides in Council District Nine. (Current commission gender composition: M = 9; F = 6)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Audits and Governmental Efficiency Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

**Roll Call #7 - Motion (LaBonge - Parks) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 12-13)**

ITEM NO. (12) - ADOPTED - FORTHWITH - SEE FOLLOWING

[09-2456](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Hogan Lee to the Quality and Productivity Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Hogan Lee to the Quality and Productivity Commission for a term ending September 6, 2013 is APPROVED and CONFIRMED. Mr. Lee will fill the vacancy created by Kimberly Freeman who resigned on September 21, 2009. Mr. Lee resides in Council District Four. (Current commission gender composition: M = 9; F = 6)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Audits and Governmental Efficiency Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

MOTION (LABONGE - PARKS)

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Hogan Lee to the Quality and Productivity Commission for a term ending September 6, 2013 is **APPROVED** and **CONFIRMED**. Mr. Lee will fill the vacancy created by Kimberly Freeman who resigned on September 21, 2009. Mr. Lee resides in Council District Four. (Current commission gender composition: M = 9; F = 6)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

ITEM NO. (13) - ADOPTED - FORTHWITH - SEE FOLLOWING

[09-2457](#)

COMMUNICATION FROM THE MAYOR relative to the reappointment of Ms. Carolyn Flowers to the Quality and Productivity Commission.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Carolyn Flowers to the Quality and Productivity Commission for the new term ending September 6, 2013 is **APPROVED** and **CONFIRMED**. Ms. Flowers' term expired on September 6, 2009. Ms. Flowers resides in Council District Four. (Current commission gender composition: M = 9; F = 6)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Audits and Governmental Efficiency Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

MOTION (LABONGE - PARKS)

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Carolyn Flowers to the Quality and Productivity Commission for the new term ending September 6, 2013 is APPROVED and CONFIRMED. Ms. Flowers' term expired on September 6, 2009. Ms. Flowers resides in Council District Four. (Current commission gender composition: M = 9; F = 6)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

**Roll Call #11 - Motion (Parks - Rosendahl) Adopted, Ayes (12); Absent: Koretz and Reyes (2)
(Item Nos. 14-16)**

ITEM NO. (14) - ADOPTED - TO THE MAYOR FORTHWITH

[09-1666](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to protect the identities of witnesses to specified illegal activities when those activities are the grounds for termination of a tenancy pursuant to the provisions of the Rent Stabilization Ordinance (RSO), and to harmonize the provisions of the RSO pertaining to such tenancy terminations.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Subsection C of Section 151.06 and Subdivisions 6 and 7 of Subsection C of Section 151.09 of the LAMC to protect the identities of witnesses to specified illegal activities when those activities are the grounds for termination of a tenancy, pursuant to the provisions of the RSO (Chapter XV of the LAMC), and to harmonize provisions of the RSO pertaining to such tenancy terminations.

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

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[09-2241](#)

CD 12

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change for property at 11105 Canoga Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 09-2241 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2007-3494-MND] filed on January 18, 2008.
2. ADOPT the October 21, 2009 FINDINGS of the Director of Planning on behalf of the North Valley Area Planning Commission (NVAPC), as the Finding of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the NVAPC, effecting a zone change from A2-1 to (T)(Q)RE20-1-K to allow construction of a six lot single-family subdivision, on a vacant 137,448 net square foot parcel for property at 11105 Canoga Avenue, subject to Conditions of Approval, as modified in Committee.

Applicant: Barry Bierman, Stony Point Estates
(Robert Lamishaw, Representative)

APCNV-2007-3493-ZC

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Committee report.
5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.
8. NOT PRESENT and ORDER FILED the Ordinance approved by the NVAPC on July 16, 2009.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 8, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 8, 2009)

ITEM NO. (16) - ADOPTED

[09-2509](#)

CD 3

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a building line removal for the property at 5445 North Lindley Avenue.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 09-2509 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2005-9191 MND] filed on February 10, 2006.
2. ADOPT FINDINGS of the South Valley Area Planning Commission (SVAPC) as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the SVAPC, effecting the removal a 16-foot building line incident to Vesting Tentative Tract Map No. 63210-CN for 43 condominium units in a four story building with 107 subterranean parking spaces for property at 5445 North Lindley Avenue.

Applicant: Clyde W. Lane, Sovereign Construction Corp.

APCSV 2006-7312 BL

4. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
5. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - JANUARY 6, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 6, 2010)

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 17-18)**

ITEM NO. (17) - ADOPTED

[09-1967](#)

CD 3

ORDINANCE SECOND CONSIDERATION establishing the Historic Old Town Canoga Park Property and Business Improvement District (BID) and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.

[Motion (Zine - Alarcon) adopted on October 28, 2009]

ITEM NO. (18) - ADOPTED

[09-1288](#)

CD 1

ORDINANCE SECOND CONSIDERATION, approved by the Director of Planning on behalf of the City Planning Commission, amending Appendix C of the Central City West Specific Plan to re-designate a portion of Bixel Street between Miramar Street and Wilshire Boulevard from a Modified Secondary Highway to a revised Modified Secondary Highway

(Negative Declaration and Communication from City Attorney adopted on October 28, 2009)

ITEM NO. (19) - CONTINUED TO NOVEMBER 6, 2009

Roll Call #1 - Motion (Parks - Cárdenas) Adopted to Continue, Unanimous Vote (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)

[08-2848](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the feasibility of creating a pilot project to add additional collection agencies to the Citywide Collection Program.

Recommendations for Council action:

1. INSTRUCT the Office of Finance (OOF) to issue a Request for Proposals for secondary collections to augment the City's collection of delinquent accounts no later than December 1, 2009 and submit to Council a report for authority to execute contracts with approved bidders.
2. INSTRUCT the OOF to report back in 30 days on the outcome of the upcoming meeting with the Los Angeles Department of Transportation, Affiliated Computer Services, the City Attorney, and the Mayor's office.

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

Community Impact Statement: None submitted

ITEM NO. (20) - ADOPTED

Roll Call #9 - Motion (Huizar - Hahn) Adopted, Ayes (12); Absent: Koretz and Reyes (2)

[09-0366](#)

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT and RESOLUTION relative to support for any plan by the Los Angeles Unified School District (LAUSD) to implement a mandatory district-wide school uniform policy.

Recommendation for Council action, as initiated by Resolution (Huizar - Hahn - LaBonge), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 State Legislative Program SUPPORT for any plan by the LAUSD Board or Superintendent to implement a mandatory district-wide school uniform policy, IF AMENDED to delete the phrase "including in the City's 2009-10 State Legislative Program."

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 21-22)**

ITEM NO. (21) - ADOPTED

07-2438-S5

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the acceptance and implementation of an additional allocation of \$812,716 in Workforce Investment Act (WIA), National Emergency Grant (NEG) funds from the State of California, Employment Development Department (EDD), for the Sub-prime Mortgage and Banking Retraining Project (Project).

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

1. AUTHORIZE the General Manager, Community Development Department (CDD), or designee, to:

- a. Accept on behalf the City \$812,716 in WIA-NEG funding from the EDD for the Project and extend the award for an additional three months, for a revised 26-month grant period from November 1, 2007 through December 31, 2009.
- b. Negotiate and execute the proposed first amendments to contracts with service providers operating the four WorkSource Centers to increase compensation by a cumulative amount of \$616,983 as shown below, and extend the term by three months, for a revised term from September 30, 2009 to December 31, 2009, subject to the review of the City Attorney as to form and legality and compliance with the City's contracting requirements:

| <u>Contractor</u> | <u>WorkSource Center</u> | <u>Contract</u> | <u>Amendment</u> |
|--|----------------------------|-----------------|------------------|
| Arbor E & T, LLC | Canoga Park - West Hills | C-114244 | \$153,922 |
| Community Career Development, Inc. | Wilshire - Metro | C-114751 | 153,893 |
| Jewish Vocational Service | Marina del Ray - Mar Vista | C-114940 | 155,275 |
| Pacific Asian Consortium in Employment | Westlake | C-114948 | <u>153,893</u> |
| | | Total | \$616,983 |

- c. Prepare Controller instructions and make any necessary technical adjustments consistent with Mayor and Council actions on this matter, subject to the approval of the City Administrative Officer (CAO), and authorize the Controller to implement these instructions.

2. AUTHORIZE the Controller to:

- a. Establish a receivable from the State of California within the WIA Trust Fund No. 44A for a total of \$812,716.
- b. Establish Account F216, entitled WIA-NEG Subprime Mortgage, and appropriate \$812,716 within the WIA Trust Fund No. 44A.

c. Transfer appropriations within the WIA Trust Fund No. 44A, as follows:

| | <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|-------|----------------|----------------------------------|---------------|
| From: | F216 | WIA-NEG Subprime Mortgage | \$45,733 |
| To: | F122 | Community Development Department | 30,361 |
| | F299 | Related Costs | <u>15,372</u> |
| | | Total | \$45,733 |

d. Increase appropriations within Fund 100/22, CDD, as follows:

| | <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|--|----------------|-------------------|---------------|
| | 1010 | Salaries, General | \$30,361 |

e. Expend funds upon presentation of documentation and proper demand of the General Manager, CDD, or designee.

Fiscal Impact Statement: The CAO reports that there is no General Fund impact. The recommendations in this report are in compliance with City Financial Policies and will enable the CDD to receive \$812,716 in WIA-NEG funds to finance the continued provision of bridge training, retraining, placement, and supportive services to dislocated workers affected by the sub-prime mortgage lending and banking failures.

Community Impact Statement: None submitted.

ITEM NO. (22) - ADOPTED

[07-2438-S9](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to preparing an Ordinance amending Article 14.1 of the Los Angeles Municipal Code (LAMC) to extend the sunset date of the Foreclosure Eviction Ordinance from December 23, 2009 to December 31, 2010.

Recommendation for Council action, pursuant to Motion (Garcetti - Wesson):

REQUEST the City Attorney, with the assistance of the Los Angeles Housing Department, to prepare and present an Ordinance amending Article 14.1 of the LAMC to extend the sunset date of the Foreclosure Eviction Ordinance (No. 180441) from December 23, 2009 to December 31, 2010.

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

Community Impact Statement: The Greater Valley Glen Neighborhood Council reports that after the one-year sunset clause, Council should not renew the Ordinance unless previously altered to apply only to buildings with five units or more.

ITEM NO. (23) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #14 - Motion (Huizar - Wesson) to Adopt as Amended, Ayes (11); Absent: Hahn, Koretz and Reyes (3)

[09-2326](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to donating surplus food to local food banks, pantries, or service agencies that accept food donations.

Recommendations for Council action, pursuant to Motion (Huizar - Koretz):

1. INSTRUCT City departments that provide food programs or services, including the Convention Center, the Department of Recreation and Parks, and the Department of Aging, to adopt policies that would require surplus food to be donated to a local food bank, pantry, or other service agency accepting food donations.
2. INSTRUCT the Community Redevelopment Agency to report on how it might work with private business owners in its various Project Areas to entice them to participate in such a program.

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

Community Impact Statement: None submitted.

ADOPTED

MOTION (HUIZAR - WESSON)

Recommendation for Council action:

INSTRUCT the Convention Center, Department of Recreation and Parks, Department of Aging and Community Redevelopment Agency to report back to Council in 60 days with an implementation plan to donate surplus food to local food banks, pantries or service agencies that accept food donations.

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 24-27)**

ITEM NO. (24) - ADOPTED

[09-2469](#)

CD 14

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to transferring \$175,000 of Assembly Bill (AB) 1290 funds to the General Services Department (GSD) for the design and construction of public access and landscaping improvements (Project) at the Benjamin Franklin Public Library located 2200 East First Street.

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

1. ADOPT the accompanying joint RESOLUTION [attached to the City Administrative Officer (CAO) report dated October 16, 2009] by the Community Redevelopment Agency (CRA) Board of Commissioners and Council making certain findings, pursuant to California Redevelopment Law Health and Safety Code Section 33445, related to the CRA's expenditure of AB 1290 funds from the Adelante Eastside Redevelopment Project Area (AERPA) to pay for the Project at the Benjamin Franklin Branch Library, a City-owned library located at 2200 East First Street.
2. AUTHORIZE the Chief Executive Officer, CRA, or designee, to utilize AB 1290 funds in an amount not to exceed \$175,000 and allocate such to be expended under the terms of CRA Contract No. 503391 (Council file No. 09-0523), a Cooperation Agreement between the CRA and the GSD, Construction Forces Division (CFD), to fund the Project.
3. REQUEST and AUTHORIZE the Controller to accept payment not to exceed \$10 million from the CRA for the aggregate of CRA Contract No. 503391 (Council file No. 09-0523), of which an amount not to exceed \$175,000 in compensation to GSD, CFD, in this action for the design and construction of City-owned public improvements at the Benjamin Franklin Branch Library, and appropriate such amount into the GSD Fund 100/40, Revenue Account 3741, Revenue from the CRA, as payment for construction and other services provided by GSD, CFD, and appropriate there from to GSD Fund 100/40, into the following accounts reflected below as necessary for direct expenditures that may be required and are consistent with this action:

| <u>Account</u> | <u>Title</u> |
|----------------|------------------------------|
| 1014 | Salaries, Construction |
| 1101 | Hiring Hall, Construction |
| 1121 | Hiring Hall, Fringe Benefits |
| 3040 | Contractual Services |
| 3180 | Construction Materials |

4. AUTHORIZE the General Manager, GSD, or designee to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the approval of the CAO, and AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The CAO reports that the impact on the General Fund is not known at this time. Approval of the recommendations will result in the expenditure of \$175,000 in AB 1290 funds from the CRA's AERPA for public improvements at a City-owned library. Upon construction completion, funding for ongoing maintenance costs will be subject to future appropriations by the Mayor and Council. The recommendations are in compliance with the City's Financial Policies in that a one-time expenditure of a General Fund department is an adjunct to a one-time source of funds from the CRA. The City's Financial Policies are not applicable to the CRA. The CRA is only bound by the disclosure provisions of the City's Debt Management Policies.

Community Impact Statement: None submitted.

ITEM NO. (25) - ADOPTED

[09-2470](#)

CD 1

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to executing a contract in the amount of \$50,000 with the Episcopal Housing Alliance (EHA) for services related to the dissemination of redevelopment information to the Westlake Recovery Redevelopment Project Area (WRRPA) community for 12 months.

Recommendation for Council action:

AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to execute a contract with EHA, in an amount not to exceed \$50,000, and for a term of one year from the date of execution, to provide services related to the dissemination of redevelopment information to the communities of the CRA's WRRPA, subject to the review and approval of the City Attorney as to form and legality and the Department of Public Works, Bureau of Contract Administration, for compliance with any applicable CRA contracting requirements.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the General Fund. The City's Financial Policies are not applicable to the CRA. The CRA is only bound by the disclosure provisions of the City's Debt Management Policies. Approval of the recommendation will result in the expenditure of \$50,000 in AB 1290 funds generated from the CRA's WRRPA for the provision of services related to the dissemination of redevelopment information to the communities of the WRRPA.

Community Impact Statement: None submitted.

ITEM NO. (26) - ADOPTED

[09-2540](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to economic development incentive programs that involve City tax revenues.

Recommendation for Council action, pursuant to Motion (Perry - Parks):

INSTRUCT the Chief Legislative Analyst (CLA), City Administrative Officer (CAO), Community Redevelopment Agency, and Office of Finance to report back with a review of economic development incentive programs that involve City tax revenues.

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

Community Impact Statement: None submitted.

ITEM NO. (27) - ADOPTED

[09-2541](#)

CD 9

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the use of Assembly Bill (AB) 1290 and Community Development Block Grant (CDBG) funds for the Slauson Central Shopping Center Project, Washington Boulevard Retail Project, and property acquisition for development of a park at Slauson Avenue and Wall Street.

Recommendations for Council action, pursuant to Motion (Perry - Parks), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROVE the use of AB 1290 funds generated in the Council District 9 Corridors South of the Santa Monica Freeway Recovery Redevelopment Project Area (CD9RPA), net of Section 108 debt service.
2. INSTRUCT the Community Redevelopment Agency (CRA) to:
 - a. Report with the necessary recommendations to use the existing balance of approximately \$1.1 million for environmental land cleanup activities at the site of the Slauson Central Shopping Center Project and \$700,000 for property acquisition at Slauson Avenue and Wall Street for development of a public park in the CD9RPA.
 - b. Include the use of future CD9RPA AB 1290 funds for construction and predevelopment financing for the Washington Boulevard Retail Project on the list of planned uses for AB 1290 funds currently being developed pursuant to the 2009-10 approved City budget.
3. ALLOCATE the balance of CDBG proceeds from the sale of the Antes Columbus property (up to \$3.3 million) to the CRA to purchase property at Slauson Avenue and Wall Street for construction of a public park, subject to: review by the Community Development Department (CDD) for eligibility and national objective; and, CDD verification of final proceeds from the sale, minus eligible expenses incurred by the prior developer of the Antes Columbus Project.
4. AUTHORIZE the Controller to establish a new account FXXX Slauson and Wall Park Acquisition and appropriate up to \$3.3 million within Fund No. 424 Community Development Trust Fund, pending verification of the amount of final sale proceeds.
5. AUTHORIZE the General Manager, CDD, or designee, to:
 - a. Negotiate and execute a contract with the CRA to transfer CDBG funds to the CRA for the purchase of property at Slauson Avenue and Wall Street for the construction of a public park.
 - b. Amend the Housing and Community Development Block Grant Action Plan as necessary, in accordance with the City's adopted Citizen's Participation Plan.
 - c. Prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action subject to the approval of the City Administrative Officer (CAO) and authorize the Controller to implement these instructions.

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

Community Impact Statement: None submitted.

ITEM NO. (28) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #12 - Motion (Garcetti - Alarcón) to Adopt as Amended, Ayes (12); Absent: Koretz and Reyes (2)

[09-1914](#)
[09-1858](#)
[08-3044](#)
[09-1637](#)
[09-0836](#)

JOBS AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to Business Tax Reform in the City of Los Angeles.

Recommendations for Council action:

1. REESTABLISH the Business Tax Advisory Committee (BTAC), to be comprised of nine members for the purpose of evaluating business tax reform proposals, appointed, as follows:

| <u>Appointing Entity</u> | <u>No. of Appointees</u> |
|--|--------------------------|
| Council President | 2 |
| Council President Pro Tempore | 1 |
| Chair, Budget and Finance Committee | 1 |
| Chair, Trade Commerce and Tourism Committee | 1 |
| Chair, Housing, Community and Economic Development Committee | 1 |
| Chair, Jobs and Business Development Committee | 1 |
| Mayor | <u>2</u> |
| Total | 9 |

2. INSTRUCT the Office of Finance to provide staffing support to BTAC, with the assistance of the City Administrative Officer (CAO), Chief Legislative Analyst (CLA) and City Attorney, and provide additional support to include the release of agendas and other meeting support efforts, analysis and presentation of data, and other efforts as needed.
3. AUTHORIZE the Office of Finance to seek a contractor to prepare a study of the business tax reforms recommended by the City Council and further DIRECT the Office of Finance to report back to the Jobs and Business Development Committee within 30 days with a recommendation concerning said contractor.
4. INSTRUCT the Office of Finance to report to the Jobs and Business Development Committee in 30 days on the City's Taxpayer Advocate program, including how it is implemented and recommendations for improvement.

5. DIRECT the BTAC to evaluate and report back to the Jobs and Business Development Committee in six months on the following proposals:
 - a. Additional reductions to the City Gross Receipts Tax
 - b. Elimination of business taxes on strategic categories
 - c. Increase the Small Business Exemption eligibility cap
 - d. Increase the New Business Exemption eligibility cap
 - e. Multi-media business exemptions
 - f. Target zones with revised business tax rules
 - g. Tax exemptions and incentives for businesses that create high paying jobs to include film production, hospitality, and healthcare
6. DIRECT the Office of Finance to prepare an analysis of internet-based businesses in the City and report back to the Jobs and Business Development Committee in 30 days with recommendations concerning tax classifications and tax rates in connection with internet-based businesses.
7. RECEIVE and FILE the following Council files:
 - a. 09-1858
 - b. 08-3044
 - c. 09-1637
 - d. 09-0836

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

Community Impact Statement: None submitted.

ADOPTED

MOTION (GARCETTI - ALARCON)

Recommendation for Council action:

REQUEST the re-established Business Tax Advisory Committee to focus on jobs that provide a living wage.

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 29-30)**

ITEM NO. (29) - ADOPTED

[07-0083](#)

PERSONNEL COMMITTEE REPORT relative to consolidated reasonable accommodations for employees with permanent work restrictions as a result of industrial or non-industrial injuries or illnesses for the fourth quarter of Fiscal Year (FY) 2008-09.

Recommendations for Council action:

1. NOTE and FILE the August 18, 2009 Personnel Department report relative to consolidated reasonable accommodations for employees with permanent work restrictions as a result of industrial or non-industrial injuries or illnesses for the fourth quarter of FY 2008-09.
2. INSTRUCT the Personnel Department to report back in 60-90 days with information on the type of in-house programs the top 10 impacted departments have in place to address this issue.

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

Community Impact Statement: None submitted.

ITEM NO. (30) - ADOPTED

[09-2537](#)

CD 7

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Haul Route appeal for property at 13140 North Gladstone Avenue.

Recommendations for Council action:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 09-2537 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2004-5553 MND] filed on October 1, 2004.
2. ADOPT FINDINGS of the Board of Building and Safety Commissioners as the Findings of Council.
3. DENY APPEAL filed by Sam Cordova, et al. from the determination of the Board of Building and Safety Commissioners, THEREBY APPROVE an application to import 9,850 cubic yards of earth from 13140 North Gladstone Avenue, subject to Conditions of Approval as attached to the Council file.

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 13, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

ITEM NO. (31) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #15 - Motion (Parks - Smith) to Adopt as Amended, Ayes (11); Absent: Hahn, Koretz and Reyes (4)

[07-0890](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the donation of tactical equipment from the Los Angeles Police Foundation for use by the Los Angeles Police Department's (LAPD) 77th Street Gang Enforcement Detail (GED).

Recommendations for Council action:

1. ACCEPT and APPROVE the donation of tactical equipment valued at \$12,130 from the Los Angeles Police Foundation for use by the 77th Street GED, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donation, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ADOPTED

MOTION (PARKS - SMITH)

Recommendation for Council action:

DIRECT the LAPD to report back to the Council in 90 days on the equipment use and any training program necessary for the use of this equipment.

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 32-38)**

ITEM NO. (32) - ADOPTED

[08-0648](#)

PUBLIC SAFETY COMMITTEE REPORT relative to donations of a critical incident utility vehicle and two magnetic audio devices from the Los Angeles Police Foundation for use by the Los Angeles Police Department's (LAPD) Incident Management and Training Bureau (IMTB).

Recommendations for Council action:

1. ACCEPT and APPROVE donations of a critical incident utility vehicle and two magnetic audio devices with a total value of \$25,438.75 from the Los Angeles Police Foundation for use by the LAPD's IMTB, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donation, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (33) - ADOPTED

[08-1214](#)

PUBLIC SAFETY COMMITTEE REPORT relative to a donation from the Los Angeles Police Foundation of a video editing system for use by the Los Angeles Police Department's (LAPD) Training Division Video Unit.

Recommendations for Council action:

1. ACCEPT and APPROVE a donation from the Los Angeles Police Foundation of a video editing system valued at \$30,970 for use by the LAPD's Training Division Video Unit, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donations, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (34) - ADOPTED

[08-2647](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the donation of a Foster Freeman digital capture system from the Los Angeles Police Foundation for use by the Los Angeles Police Department's (LAPD) Scientific Investigation Division (SID).

Recommendations for Council action:

1. ACCEPT and APPROVE the donation of a Foster Freeman digital capture system valued at \$84,932.29 from the Los Angeles Police Foundation for use by the LAPD's SID, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donations, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (35) - ADOPTED

[09-0337](#)

PUBLIC SAFETY COMMITTEE REPORT relative to a donation of physical fitness equipment from the Los Angeles Police Foundation for use by the Los Angeles Police Department's (LAPD) Special Operations Division (SOD).

Recommendations for Council action:

1. ACCEPT and APPROVE a donation of physical fitness equipment valued at \$22,815.04 from the Los Angeles Police Foundation for use by the LAPD's SOD, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donations, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (36) - ADOPTED

[09-1826](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the donation of 50 Phillips automated external defibrillators from the Los Angeles Police Foundation for use by the Los Angeles Police Department's (LAPD) Metro Division.

Recommendations for Council action:

1. ACCEPT and APPROVE the donation of 50 Phillips automated external defibrillators valued at \$55,240 for use by the LAPD's Metro Division from the Los Angeles Police Foundation, and THANK the donor for its generous donation.
2. DIRECT the LAPD to include, in all future reports relative to the acceptance of donations, discussion of how the Department will maintain donated equipment.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (37) - ADOPTED - TO THE MAYOR FORTHWITH

[09-1848](#)

PUBLIC SAFETY COMMITTEE REPORT relative to a Juvenile Justice Crime Prevention Act (JJCP) grant award for prevention and intervention programs for at-risk youth.

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

1. AUTHORIZE the Chief of Police, or designee, to:
 - a. Accept the grant award of \$376,631 from the Los Angeles County Probation Department for the JJCP program, for the period July 1, 2009, through June 30, 2010.
 - b. Negotiate and execute a Memorandum of Understanding (MOU) for Fiscal Year 2009-10 between the City of Los Angeles and the Los Angeles County Probation Department for the period July 1, 2008, to June 30, 2009, for a total of \$376,631, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Controller to set up a grant receivable in the amount of \$376,631 and establish an appropriation account, account number to be determined by the Controller, within Fund No. 339, Dept. No. 70 for the receipt and disbursement of 2008-09 JJCP grant funds.
3. AUTHORIZE the Los Angeles Police Department (LAPD) to:
 - a. Submit grant reimbursement requests to the grantor and deposit the grant receipts in Fund No. 339/70, account number to be determined.
 - b. Expend grant funds, up to \$376,631, in accordance with the grant cooperative agreement for the term of the grant.
4. AUTHORIZE the Controller to increase appropriations, up to \$286,631, from Fund No. 339/70, account number to be determined to Fund 100/70, account number and amount, as follows:

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------------|---------------|
| 1092 | Salaries Overtime - Sworn Police | \$ 276,631 |
| 1090 | Salaries Overtime - Civilian Police | <u>10,000</u> |
| | Total | \$ 286,631 |

5. AUTHORIZE the LAPD to prepare Controller instructions for any necessary technical adjustments consistent with this action, subject to the approval of the City Administrative Officer (CAO); and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that JJCP program costs are fully reimbursable by the grant and do not require a City match. Acceptance of the grant and approval of the above recommendations are in compliance with City financial policies as one-time revenues are used for one-time expenses.

Community Impact Statement: None submitted.

ITEM NO. (38) - ADOPTED

[09-2266](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the Proposition F Fire Facilities/Animal Shelter Facilities Bond Construction Program Annual Report.

Recommendation for Council action:

NOTE and FILE the report from the City Engineer to Council dated September 8, 2009 (attached to the Council file), relative to the Proposition F Fire Facilities/Animal Shelter Facilities Bond Construction Program Annual Report.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**Roll Call #13 - Motion (Hahn - Rosendahl) Adopted, Ayes (12); Absent: Koretz and Reyes (2)
(Item Nos. 39-40)**

ITEM NO. (39) - ADOPTED - FORTHWITH - SEE FOLLOWING

[09-1079](#)

CD 11

COMMUNICATIONS FROM THE BOARD OF AIRPORT COMMISSIONERS and CITY ADMINISTRATIVE OFFICER relative to the construction services option and first amendment to Contract No. DA-4337 with Walsh Austin Joint Venture for the Bradley West Gates Project.

(Trade, Commerce, and Tourism Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

TIME LIMIT FILE - DECEMBER 21, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 16, 2009)

ADOPTED

GENERAL EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to the construction services option and first amendment to Contract No. DA-4337 with Walsh Austin Joint Venture for the Bradley West Gates Project.

Recommendations for Council action:

- 1. FIND that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines.**
- 2. APPROVE the construction services option and first amendment to Contract No. DA-4337 with Walsh Austin Joint Venture.**
- 3. CONCUR with the Board of Airport Commissioners action of October 19, 2009 authorizing the Executive Director to execute the construction services option and first amendment to Contract No. DA-4337 with Walsh Austin Joint Venture.**

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed first amendment between Walsh Austin and the Department of Airports will have no impact upon the General Fund. Department staff notes that utilizing the Construction Manager At Risk delivery method for the Bradley West Gates project is anticipated to mitigate the risk of adverse impacts and delays in implementing the Tom Bradley International Terminal modernization project and is anticipated to result in the lowest ultimate cost to the City. Proposed costs are within the \$3.3 billion Los Angeles International Airport (LAX) Development Program budget presented to the Board of Airport Commissioners on March 23, 2009. To provide project related services and supplies from the Department and other City departments through June 30, 2010, it is proposed that funds for this contract in the amount of \$14,700,000 be allocated from the LAX Revenue Fund, designated elements as required. Since the Department of Airports is only bound by the City Debt Management Policies, the City Financial Policies are not applicable.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 21, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 16, 2009)

ITEM NO. (40) - ADOPTED - FORTHWITH - SEE FOLLOWING

[09-2626](#)

CD 11

COMMUNICATION FROM THE BOARD OF AIRPORT COMMISSIONERS relative to a contract with Walsh Austin Joint Venture II for construction manager at risk pre-construction and construction services for the Bradley West Core Improvements component of the Tom Bradley International Terminal Modernization Project.

(Trade, Commerce, and Tourism Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

TIME LIMIT FILE - DECEMBER 21, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 16, 2009)

ADOPTED

GENERAL EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to a contract with Walsh Austin Joint Venture II for construction manager at risk pre-construction and construction services for the Bradley West Core Improvements component of the Tom Bradley International Terminal Modernization Project.

Recommendations for Council action:

1. **FIND** that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2 (i) of the Los Angeles City CEQA Guidelines.
2. **APPROVE** the award of contract to Walsh Austin Joint Venture II.
3. **CONCUR** with the Board of Airport Commissioners action of October 19, 2009 authorizing the Executive Director to execute the contract with Walsh Austin Joint Venture II.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed contract between Walsh Austin and the Department of Airports will have no impact upon the General Fund. Department staff notes that utilizing the Construction Manager At Risk delivery method for the Bradley West Core Improvements project is anticipated to mitigate the risk of adverse impacts and delays in implementing the Tom Bradley International Terminal modernization project and is anticipated to result in the lowest ultimate cost to the City. Proposed costs are within the \$3.3 billion Los Angeles International Airport (LAX) Development Program budget presented to the Board of Airport Commissioners on March 23, 2009. To provide project related services and supplies from the Department and other City departments through June 30, 2010, it is proposed that funds for this contract in the amount of \$25,060,000 be allocated from the LAX Revenue Fund, designated elements as required. Since the Department of Airports is only bound by the City Debt Management Policies, the City Financial Policies are not applicable.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 21, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 16, 2009)

**Roll Call #5 - Motion (Zine - Alarcón) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)
(Item Nos. 41-44)**

ITEM NO. (41) - ADOPTED

[07-3325](#)

CD 9

GENERAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of temporary Preferential Parking District (PPD) No. 48.

Recommendations for Council action:

1. FIND that the establishment of PPD No. 48, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act (CEQA) under the General Exemption (Article II, Section 1 of the 2002 Los Angeles City CEQA Guidelines).
2. FIND that the parking problem that led to the establishment of temporary PPD No. 48 in Council District Nine still exists, and that no permanent solution has been found.
3. ADOPT the accompanying RESOLUTION renewing temporary PPD No. 48 for 12 more months, until November 5, 2010, pursuant to LAMC Section 80.58.d.
4. DIRECT the Los Angeles Department of Transportation (LADOT) to prepare a Notice of Exemption reflecting the Council's action under Recommendation No. 1 above and file such notice with the City and County Clerks within five working days of the City Council's action.

Fiscal Impact Statement: The LADOT reports that revenue from the sale of permits will cover the additional cost of implementing, administering, and enforcing temporary PPD No. 48. Furthermore, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the district's parking restrictions.

Community Impact Statement: None submitted.

ITEM NO. (42) - ADOPTED

[08-2723](#)

CD 4

GENERAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of temporary Preferential Parking District (PPD) No. 115.

Recommendations for Council action:

1. FIND that the establishment of PPD No. 115, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act (CEQA) under the General Exemption (Article II, Section 1 of the 2002 Los Angeles City CEQA Guidelines).
2. FIND that the parking problem that led to the establishment of temporary PPD No. 115 in Council District Four still exists, and that no permanent solution has been found.
3. ADOPT the accompanying RESOLUTION renewing temporary PPD No. 115 for 12 more months, until November 19, 2010, pursuant to LAMC Section 80.58.d.
4. DIRECT the Los Angeles Department of Transportation (LADOT) to prepare a Notice of Exemption reflecting the Council's action under Recommendation No. One above and file such notice with the City and County Clerks within five working days of the City Council's action.

Fiscal Impact Statement: The LADOT reports that revenue from the sale of permits will cover the additional cost of implementing, administering, and enforcing temporary PPD No. 115. Furthermore, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the district's parking restrictions.

Community Impact Statement: None submitted.

ITEM NO. (43) - ADOPTED

[09-2577](#)

CD 4

GENERAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of temporary Preferential Parking District (PPD) No. 109.

Recommendations for Council action:

1. FIND that the establishment of PPD No. 109, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act (CEQA) under the General Exemption (Article II, Section 1 of the 2002 Los Angeles City CEQA Guidelines).
2. FIND that the parking problem that led to the establishment of temporary PPD No. 109 in Council District Four still exists, and that no permanent solution has been found.
3. ADOPT the accompanying RESOLUTION renewing temporary PPD No. 109 for 12 more months, until November 22, 2010, pursuant to LAMC Section 80.58.d.
4. DIRECT the Los Angeles Department of Transportation (LADOT) to prepare a Notice of Exemption reflecting the Council's action under Recommendation No. 1 above and file such notice with the City and County Clerks within five working days of the City Council's action.

Fiscal Impact Statement: The LADOT reports that revenue from the sale of permits will cover the additional cost of implementing, administering, and enforcing temporary PPD No. 109. Furthermore, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the district's parking restrictions.

Community Impact Statement: None submitted.

ITEM NO. (44) - ADOPTED

[09-2578](#)

CD 4

GENERAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of temporary Preferential Parking District (PPD) No. 33.

Recommendations for Council action:

1. FIND that the establishment of PPD No. 33, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act (CEQA) under the General Exemption (Article II, Section 1 of the 2002 Los Angeles City CEQA Guidelines).
2. FIND that the parking problem that led to the establishment of temporary PPD No. 33 in Council District Four still exists, and that no permanent solution has been found.
3. ADOPT the accompanying RESOLUTION renewing temporary PPD No. 33 for 12 more months, until November 5, 2010, pursuant to LAMC Section 80.58.d.
4. DIRECT the Los Angeles Department of Transportation (LADOT) to prepare a Notice of Exemption reflecting the Council's action under Recommendation No. One above and file such notice with the City and County Clerks within five working days of the City Council's action.

Fiscal Impact Statement: The LADOT reports that revenue from the sale of permits will cover the additional cost of implementing, administering, and enforcing temporary PPD No. 33. Furthermore, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the district's parking restrictions.

Community Impact Statement: None submitted.

ITEM NO. (45) - ADOPTED

Roll Call #12 - Motion (Garcetti - Alarcón) Adopted, Ayes (12); Absent: Koretz and Reyes (2)

[09-1915](#)

[09-1915-S1](#)

JOBS AND BUSINESS DEVELOPMENT and BUDGET AND FINANCE COMMITTEES' REPORT relative to convening a new Business Tax Advisory Committee (BTAC) and business tax reform.

Recommendation for Council action:

RECEIVE and FILE the September 17, 2009 Chief Legislative Analyst report relative to convening a new BTAC and business tax reform.

Fiscal Impact Statement: Not applicable.

Community Impact Statement Submitted: None submitted.

**ITEM NO. (46) - INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT
ADOPTED - FORTHWITH - SEE FOLLOWING**

Roll Call #16 - Motion (Cárdenas - Smith) Adopted, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2623](#)

MOTION (GARCETTI - REYES) relative to authorizing the Department of General Services, the Los Angeles Police Department, and the City Engineer to negotiate and execute a Memorandum of Agreement with the Federal Bureau of Investigation for the design, construction, and occupancy of office space at the New Police Administration Building for the Joint Terrorism Task Force, and related actions.

(Public Safety and Information Technology and Governmental Affairs Committees reports to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT relative to a Memorandum of Agreement (MOA) with the Federal Bureau of Investigation (FBI) for the design, construction, and occupancy of office space at the new Police Administration Building (PAB) for the Joint Terrorism Task Force.

Recommendations for Council action, as initiated by Motion (Garcetti – Reyes), SUBJECT TO THE APPROVAL OF THE MAYOR:

- 1. AUTHORIZE the Department of General Services, the Los Angeles Police Department (LAPD), and the Department of Public Works, Bureau of Engineering, to negotiate and execute an MOA for the design, construction, and occupancy of office space for the FBI's Joint Terrorism Task Force Secure Work Environment (SWE) at the PAB located at 100 West First Street, Los Angeles with the terms and conditions substantially as outlined in the accompanying Motion (Garcetti – Reyes).**
- 2. TRANSFER funds totaling \$880,000 from two accounts within the Capital Improvement Expenditure Program (CIEP) Fund (100/54) into an account number to be determined, and titled "PAB-Secure Work Environment," as follows:**

From: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|----------------|
| W404 | Building Renovations | \$ 80,000 |
| E660 | Municipal Facilities Projects | <u>800,000</u> |
| | Total | \$880,000 |

To: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| xxx | PAB - Secure Work Environment | \$880,000 |

3. AUTHORIZE the Controller to increase appropriations totaling \$880,000 from the CIEP Fund (100/54) Account No. to be determined, entitled PAB - Secure Work Environment to various accounts within the Department of General Services, Fund 100/40 and the Bureau of Engineering Fund 100/78, as follows:

From: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| xxx | PAB - Secure Work Environment | \$880,000 |

To: Fund 100/40. General Services Department –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-----------------------------------|----------------|
| 1014 | Construction Services | \$ 50,000 |
| 1101 | Hiring Hall Construction | 200,000 |
| 1121 | Hiring Hall Fringe Benefits | 76,000 |
| 3180 | Construction Materials & Supplies | <u>316,000</u> |
| | Total | \$642,000 |

To: Fund 100/78, PW Bureau of Engineering –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|---------------------------|---------------|
| 1010 | Salaries General | \$115,000 |
| 3040 | Contractual Services | 95,000 |
| 6010 | Office and Administrative | <u>28,000</u> |
| | Total | \$238,000 |

4. AUTHORIZE the LAPD to deposit \$880,000 to Fund 339/70, Revenue Source No. 4674 and TRANSFER therefrom to Fund 100/54, Revenue Source No. to be determined, upon completion of milestones.
5. AUTHORIZE the City Administrative Officer (CAO) to make technical corrections, as necessary, to the above transactions to implement the Mayor and Council's intentions.

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

Community Impact Statement: None submitted.

RECEIVED AND FILED

PUBLIC SAFETY COMMITTEE REPORT relative to a Memorandum of Agreement (MOA) with the Federal Bureau of Investigation (FBI) for the design, construction, and occupancy of office space at the new Police Administration Building (PAB) for the Joint Terrorism Task Force.

Recommendations for Council action, as initiated by Motion (Garcetti – Reyes), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **AUTHORIZE** the Department of General Services, the Police Department, and the Bureau of Engineering, to negotiate and execute an MOA for the design, construction, and occupancy of office space for the FBI's Joint Terrorism Task Force Secure Work Environment (SWE) at the PAB located at 100 West First Street, Los Angeles with the terms and conditions substantially as outlined in the accompanying Motion (Garcetti – Reyes), subject to the approval of the City Attorney as to form and legality.
2. **TRANSFER** funds totaling \$880,000 from two accounts within the Capital Improvement Expenditure Program (CIEP) Fund (100/54) into an account number to be determined, and titled "PAB-Secure Work Environment," as follows:

From: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|----------------|
| W404 | Building Renovations | \$ 80,000 |
| E660 | Municipal Facilities Projects | <u>800,000</u> |
| | Total | \$880,000 |

To: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| xxx | PAB - Secure Work Environment | \$880,000 |

3. **AUTHORIZE** the Controller to increase appropriations totaling \$880,000 from the CIEP Fund (100/54) Account No. to be determined, entitled PAB - Secure Work Environment to various accounts within the Department of General Services, Fund 100/40 and the Bureau of Engineering Fund 100/78, as follows:

From: Fund 100/54, Capital Improvement Expenditure Program –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| xxx | PAB - Secure Work Environment | \$880,000 |

To: Fund 100/40. General Services Department –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|-----------------------------------|------------------|
| 1014 | Construction Services | \$ 50,000 |
| 1101 | Hiring Hall Construction | 200,000 |
| 1121 | Hiring Hall Fringe Benefits | 76,000 |
| 3180 | Construction Materials & Supplies | <u>316,000</u> |
| | Total | \$642,000 |

To: Fund 100/78, Bureau of Engineering –

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|---------------------------|------------------|
| 1010 | Salaries General | \$115,000 |
| 3040 | Contractual Services | 103,000 |
| 6010 | Office and Administrative | <u>20,000</u> |
| | Total | \$238,000 |

4. INSTRUCT the Department of General Services Department, with assistance of the Police Department, if necessary; and, REQUEST that the Controller process the necessary documentation to reimburse the Capital Improvement Expenditure Program, Fund 100/54, account number to be determined, entitled PAB - Secure Work Environment upon reimbursement of the Federal/Grant Source.
5. AUTHORIZE the City Administrative Officer (CAO) to make technical corrections, as necessary, to those transactions and that are consistent with this action.

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

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 47-51

(10 Votes Required for Consideration)

ITEM NO. (47) - ADOPTED - FORTHWITH

Roll Call #8 - Motion (LaBonge - Rosendahl) Adopted, Ayes (11); Absent: Koretz, Reyes and President Garcetti (3)

[09-2455](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. W. Jerome Stanley to the Board of Recreation and Park Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. W. Jerome Stanley to the Board of Recreation and Park Commissioners for the term ending June 30, 2014, is APPROVED and CONFIRMED. Mr. Stanley resides in Council District Five. (Current Commission composition: M=3; F=1).

Background Check Review: Complete.

Ethics Commission Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 16, 2009

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 6, 2009)

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

ITEM NO. (48) - CONTINUED TO NOVEMBER 6, 2009

Roll Call #19 - Motion (Huizar - Parks) Adopted to Continue, Unanimous Vote (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[07-0906-S1](#)

CD 9

CONSIDERATION OF RESULTS of the public hearing held on November 2, 2009, at the Office of the City Administrative Officer (CAO), 200 North Main Street, Room 1500, Los Angeles, CA 90012, in compliance with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), to be submitted by the Amerland Company with the assistance of the CAO, and RESOLUTION approving the issuance of Multifamily Housing Revenue Bonds, in an aggregate amount not to exceed \$20,000,000 by the California Statewide Communities Development Authority for the acquisition and rehabilitation of a 262-unit residential hotel located at 112 West Fifth Street in Council District Nine.

(Pursuant to Council action of October 16, 2009)

ITEM NO. (49) - CONTINUED TO NOVEMBER 6, 2009

Roll Call #1 - Motion (Parks - Cárdenas) Adopted to Continue, Unanimous Vote (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)

[09-1801](#)

COMMUNICATION FROM CHAIR, INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE relative to a ten percent waiver of membership dues from the Southern California Association of Governments.

Recommendation for Council action, pursuant to Motion (Zine - Smith):

INSTRUCT the City Administrative Officer to report to the City Council on the steps necessary to request a ten percent waiver of membership dues from Southern California Association of Governments, as approved by its Regional Council, either in the form of reimbursement if already paid or in the form of a reduced future expenditure if not already paid.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (50) - ADOPTED

Roll Call #17 - Motion (Smith - Cárdenas) Adopted, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2427](#)

COMMUNICATION FROM VICE-CHAIR AND MEMBER, PUBLIC SAFETY COMMITTEE, relative to the status of the Disaster Assistance Trust Fund for Fiscal Year (FY) 2008-09.

Recommendations for Council action:

1. INSTRUCT the City Administrative Officer (CAO) to report to the Public Safety Committee relative to the Disaster Assistance Trust Fund, reimbursement deficits by fund or program, and the amount and sources of Federal and/or State grant fund reimbursements being pursued.
2. NOTE and FILE the CAO report to Council dated September 29, 2009 (attached to the Council file), relative to the status of the Disaster Assistance Trust Fund for FY 2008-09.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (51) - ADOPTED

Roll Call #18 - Motion (LaBonge - Rosendahl) Adopted, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2654](#)

CD 13

MOTION (GARCETTI - PERRY) relative to the prohibition on Silly String within the Hollywood Division during Halloween.

Recommendation for Council action:

DIRECT the Los Angeles Department of Transportation to post appropriate temporary signs in Hollywood during the upcoming Halloween celebration relative to the prohibition on Silly String, as contained in Section 56.02 of the Municipal Code.

Closed Sessions - Items 52-60

ITEM NO. (52) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #6 - Motion (Parks - Smith) Adopted, Ayes (10); Absent: Koretz, Perry, Reyes and President Garcetti (4)

[08-0130-S1](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Estate of Christopher Wallace, et al. v. Los Angeles, et al., United States District Court Case Nos. CV 02-02929, CV 07-02956. (This case arises out of the shooting death of Christopher Wallace, a.k.a. Biggie Smalls.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

Recommendation for Council action:

ADOPT the recommendation of the City Attorney in connection with the case entitled Estate of Christopher Wallace, et al. v. Los Angeles, et al., United States District Court Case Nos. CV 02-02929, CV 07-02956. (This case arises out of the shooting death of Christopher Wallace, a.k.a. Biggie Smalls).

ITEM NO. (53) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #22 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[08-2090](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Teresa De Jesus Diaz v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 362083. (This case arises out of a personal injury damage claim against the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

1. AUTHORIZE the City Attorney to expend \$199,341.15, plus accrued interest, in settlement of the case entitled Teresa De Jesus Diaz v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 362083.
2. AUTHORIZE the City Attorney to draw demands for total judgment of \$199,341.15, plus post judgment interest paid as follows:

\$35,001 to Dawit Tecele as Trustee for Rahel Diaz Tecele and Lewitt, Hackman, Shapiro, Marshall & Harlan

\$105,766.15 to Teresa De Jesus Diaz and Lewitt, Hackman, Shapiro, Marshall & Harlan

\$58,574 to Lewitt, Hackman, Shapiro, Marshall & Harlan
3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments including adjustments to interest paid on the judgment at the rate of seven percent per annum from the date of the judgment, May 28, 2009, until paid, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

This matter was approved by the Budget and Finance Committee (Parks - Rosendahl - Huizar - Koretz "yes") at its meeting on October 19, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (54) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #23 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[08-2793](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the cases entitled B.A. Aguilar, et al. v. City of Los Angeles, et al., United States District Court (USDC) Case No. CV07-04131 AHM (FMOx); Sal Aguilar, et al. v. City of Los Angeles, et al., USDC Case No. CV08-02301 AHM (FMOx); Xiomara Ajuria, et al. v. City of Los Angeles, et al., USDC Case No. CV07-08433AHM(FMOx); Byron Guidel v. City of Los Angeles, et al., USDC Case No. CV08-01370AHM(FMOx); P. Lopez, et al. v. City of Los Angeles, et al., USDC Case No. CV07-05555 AHM (FMOx); MEIWON v. City of Los Angeles, et al., USDC Case No. CV-3072 AHM (FMOx); Andrew Newton, et al. v. COLA, USDC Case No. CV07-4455 AHM (FMOx); Jose Ponce City of Los Angeles, et al., USDC Case No. CV082710 AHM (FMOx); Erfelina Reyes, et al. v. City of Los Angeles, et al., USDC Case No. CV08-02225 AHM (FMOx); Mary Santiago v. City of Los Angeles, et al., USDC Case No. CV07-2966 AHM (FMOx). (This action arises from an incident involving members of the Los Angeles Police Department commencing on May Day 2007.)

(Budget and Finance Committee to consider the above matter in Closed Session on November 2, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

AUTHORIZE and INSTRUCT the City Attorney to pay the remaining sum owed under the Class Settlement and Consent Judgment of \$12,750,000 as follows:

- a. Deposit \$12,750,000 via wire transfer to City National Bank, located at 400 North Roxbury Drive, Beverly Hills, California 90210, into the “Litt, Estuar, Harrison & Kitson, LLP, Attorney Client Trust Account”, Account Number 112280316, with routing number 122016066.**
- b. Authorize the Controller’s Office to transfer \$12,750,000 from the Reserve Fund to the Unappropriated Balance and appropriate there from to Liability Claims Fund 100 Department 59, Liability Claims over \$100,000 Account No. 9770 to be reimbursed by proceeds from a future Judgment Obligation Bond issuance.**
- c. Find that the City intends to make an interfund borrowing or advance from the Reserve Fund to pay the judgment on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issue.**

This matter was approved by the Budget and Finance Committee (Parks - Smith - Rosendahl - Huizar “yes”) at its meeting on November 2, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (55) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #24 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2288](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Lisa Johnson v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 402480. (This case arises from plaintiff’s claims of sexual discrimination and harassment with the General Services Department.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

1. AUTHORIZE the Controller to:
 - a. Disencumber \$80,000 in 2008-09 prior year encumbrances from the Department of General Services, Fund 100, Department 40, Account 3330 and revert this amount to the Reserve Fund.
 - b. Transfer \$80,000 from the Reserve Fund to the Unappropriated Balance and appropriate therefrom to Liability Claims, Fund 100, Department 59, Account 9770 for payment of settlement.
2. AUTHORIZE the City Attorney to expend \$345,000 in settlement of the case entitled Lisa Johnson v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 402480, from the Liability Claims Account No. 9770, Fund No. 100, Department 59.
3. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Levy, Stern & Ford Client Trust Account.
4. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions as needed for any technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

This matter was approved by the Budget and Finance Committee (Parks - Rosendahl - Huizar - Koretz "yes") at its meeting on October 19, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (56) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #25 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2349](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled David Moore, et al. v. City of Los Angeles, Los Angeles Superior Court Case No. BC 399369. (This matter involves a quiet title lawsuit in which the plaintiffs are seeking to remove the City from appearing in the chain of title to their property.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

1. **AUTHORIZE the City Attorney, or designee, to execute the Settlement Agreement.**
2. **AUTHORIZE the General Manager, Department of General Services, to execute all other documents necessary to implement the settlement with the property owners by the City disclaiming any interest in the property.**

This matter was approved by the Budget and Finance Committee (Parks - Huizar - Koretz "yes") at its meeting on October 19, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (57) - ACTION TAKEN IN CLOSED SESSION

[09-2358](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Vlad Mateescu v. City of Los Angeles, et al., Los Angeles Superior Court Case No. LC 080232. (This action arises from a personal injury incident which occurred on March 24, 2007.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ITEM NO. (58) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #26 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2370](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled City of Los Angeles v. SWRD, Inc., et al., Los Angeles Superior Court Case No. BC 389307. (This case arises out of an open book account for the deposit of materials at the Central Los Angeles Recycling and Transfer Station by SWRD, Inc.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

AUTHORIZE the City Attorney to enter into a settlement in the case entitled City of Los Angeles v. SWRD, Inc., et al., Los Angeles Superior Court Case No. BC 389307, by accepting the settlement offer by the individual defendant officers of SWRD, Inc., Ralph Simonian, Kirk Simonian, and Sabrina Simonian (Defendants) whereby the City and each of the individual Defendants will enter into a stipulated Judgment pursuant to which each of the Defendants

will be jointly and severably liable to pay the City \$144,709.82, plus 10 percent interest per year. Defendants will cause payments to be made to the City of \$3,000 per month for 24 months, and on the first day of the 25th month, any remaining balance will become due and immediately payable to the City of Los Angeles.

This matter was approved by the Budget and Finance Committee (Parks - Rosendahl - Huizar - Koretz "yes") at its meeting on October 19, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (59) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #27 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2449](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Rufino and Lugarda Sigala v. City of Los Angeles, Los Angeles Superior Court Case No. NC 050037. (This case arises out of a dangerous condition of public property.)

(Budget and Finance Committee considered the above matter in Closed Session on October 26, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

- 1. AUTHORIZE the City Attorney to expend \$1,000,000 in settlement of the case entitled Rufino and Lugarda Sigala v. City of Los Angeles, Los Angeles Superior Court Case No. NC 050037 from the Liability Claims Account No. 9770, Fund 100, Department 59.**
- 2. AUTHORIZE the City Attorney to draw five demands thereon in the amounts of \$200,000 each, due and payable forthwith, July 2010, July 2011, July 2012, and July 2013 and made payable to the Law Offices of Federico C. Sayre and Rufino and Lugarda Cruz Sigala.**
- 3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.**

This matter was approved by the Budget and Finance Committee (Parks - Rosendahl - Koretz "yes") at its meeting on October 26, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (60) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #28 - Motion (Parks - Smith) Adopted in Open Session, Ayes (10); Absent: Hahn, Koretz, Perry and Reyes (4)

[09-2450](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Jennifer Nash v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 383128. (This is an inverse condemnation action concerning 5880 Spring Oak Drive, Los Angeles, in Council District Four.)

(Budget and Finance Committee considered the above matter in Closed Session on October 19, 2009.)

ADOPTED

MOTION (PARKS - SMITH)

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

- 1. AUTHORIZE the City Attorney, or designee, to execute a Settlement Agreement and Release of Liability and all other documents necessary to implement the settlement.**
- 2. AUTHORIZE the City Attorney to expend \$625,000 in settlement of the case entitled Jennifer Nash v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 383128, from the Liability Claims Account No. 9770, Fund No. 100, Department 59.**
- 3. AUTHORIZE the City Attorney to draw the necessary demand warrants in a total amount not to exceed \$625,000, payable to the Law Offices of Rosenberg, Medlin & Rosen Client Trust Account in the amounts and based on completion of repair work as follows:**
 - a. \$250,000 will be paid upon execution of the Settlement and Release Agreement.**
 - b. \$50,000 upon obtaining the permit(s) for the required work.**
 - c. \$200,000 paid upon completion of 50 percent of the work.**
 - d. Final payment of \$125,000 made when the repair work and the drainage system are completed and the Order to Comply regarding Slope Failure is withdrawn by the Department of Building and Safety.**

This matter was approved by the Budget and Finance Committee (Parks - Huiza - Koretz "yes") at its meeting on October 19, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

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

[09-2718](#)

MOTION (SMITH - ROSENDAHL) relative to funds to construct sewer improvements at 13651 Balboa Road.

[09-2719](#)

MOTION (SMITH - ROSENDAHL) relative to funds for new and innovative ways to solve the sidewalk repair issue in the City of Los Angeles.

[09-2720](#)

MOTION (ALARCON - HUIZAR) relative to installing street banners to display flags on the veterans parade route.

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

[09-2500](#) - Manual "Pops" Palacio

Huizar

Alvan Robert Burton

Wesson

Ann Johnson

Wesson

Ayes, Alarcón, Cárdenas, Huizar, LaBonge, Parks, Rosendahl, Smith, Wesson, Zine and President Garcetti (10); Absent: Hahn, Koretz, Perry and Reyes (4); Vacant: Council District Two

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL