

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **December 2, 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, Huizar, Koretz, LaBonge, Parks, Reyes, Rosendahl, Smith, Wesson, Zine and President Garcetti (10); Absent: Cárdenas, Hahn and Perry (3); Vacant: Council District Two**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
NOVEMBER 25, 2009

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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

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

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## **Items Noticed for Public Hearing - Items 1-6**

**Roll Call #4 - Motion (Parks - LaBonge) Adopted To Continue, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4) (Item Nos. 1-2)**

**ITEM NO. (1) - CONTINUED TO FEBRUARY 10, 2010**

[09-2283](#)

CD 13

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the costs of cleaning and fencing of the lot at 3324 North Chapman Street (Including shack at rear of lot). (Lien: \$1,470.58)

**ITEM NO. (2) - CONTINUED TO FEBRUARY 10, 2010**

[09-2284](#)

CD 6

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the cost of cleaning of the lot at 15939 West Leadwell Street. (Lien: \$681.10)

**ITEM NO. (3) - RECEIVED AND FILED - INASMUCH LIEN HAS BEEN PAID**

**Roll Call #5 - Motion (Parks - LaBonge) Adopted To Receive And File, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[09-2285](#)

CD 15

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the costs of barricading of all openings and fencing of the lot at 622 West 110th Street.

(Lien: \$14,362.98)

**ITEM NO. (4) - CONTINUED TO FEBRUARY 10, 2010**

**Roll Call #4 - Motion (Parks - LaBonge) Adopted To Continue, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[09-2286](#)

CD 4

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot and graffiti abatement at 3313 West Wood Terrace.

(Lien: \$2,758.51)

**ITEM NO. (5) - PUBLIC HEARING CLOSED - NO APPEALS - LIEN CONFIRMED**

**Roll Call #6 - Motion (Garcetti - Reyes) Adopted To Confirm Lien, Ayes (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[09-2287](#)

CD 13

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the costs of cleaning and fencing of the lot at the vacant lot at the northeast corner of Mountain View and Miramar Street.

(Lien: \$6,588.40)

**ITEM NO. (6) - CONTINUED TO FEBRUARY 10, 2010**

**Roll Call #4 - Motion (Parks - LaBonge) Adopted To Continue, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[09-2289](#)

CD 7

HEARING APPEALS OR OBJECTIONS to Building and Safety report and confirmation of lien to cover the costs of barricading of all openings and cleaning and fencing of the lot at 14261 West Grammar Street.

(Lien: \$9,846.79)

## Items for Which Public Hearings Have Been Held - Items 7-20

### ITEM NO. (7) - ADOPTED

**Roll Call #10 - Motion (Reyes - Parks) Adopted, Ayes (13); Absent: Huizar (1)**

[09-2013](#)

CD 1

PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Highland Park Property Business Improvement District (BID), pursuant to Sections 6.600 through 6.620 of Chapter 9 of the Los Angeles Administrative Code and Article XIII D of the California Constitution.

Recommendations for Council action, if the tabulation of ballots indicates majority support, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the Highland Park Property Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.
2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and a nonprofit management entity, for administration of the BID.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the BID and will be recovered from assessments collected.

There are currently 21 City-owned, real properties included in the list of properties to be assessed within the boundaries of the BID, as disclosed in the Management District Plan and as required under existing BID legislation. All of these properties are controlled by General Fund Departments. Funding is available in the Business Improvement District Trust Fund 659 to pay the General Fund share of assessments for the first operating year

(Pursuant to Council action on Tuesday, December 1, 2009 and adoption of Ordinance No. 180894 on October 6, 2009.)

### ITEM NO. (8) - CONTINUED TO DECEMBER 8, 2009

**Roll Call #1 - Motion (Garcetti - Zine) Adopted To Continue, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[08-0923](#)

CONTINUING CONSIDERATION OF PUBLIC SAFETY and PLANNING AND LAND USE MANAGEMENT COMMITTEES' REPORT, PROPOSED AMENDING MOTIONS, ORDINANCES and NEW PROPOSED ORDINANCE(S) TO BE SUBMITTED FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to establish regulations regarding medical marijuana collectives.

(Pursuant to Council action of November 24, 2009)

**ITEM NO. (9) - ADOPTED**

**Roll Call #14 - Motion (Hahn - Cárdenas) Adopted, Ayes (13); Absent: Huizar (1)**

[09-0258](#)

CD 15

GENERAL EXEMPTION, TRADE, COMMERCE AND TOURISM COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Port of Los Angeles Tariff No. Four, Section 20, Item 2045 - Voluntary Vessel Speed Reduction Program.

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

1. FIND that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Sections 2 (f) and 2 (i) of the Los Angeles City CEQA Guidelines.
2. PRESENT and ADOPT the accompanying ORDINANCE amending the proposed Permanent Board Order No. 09-7012 and Item 2045 in Section 20, Clean Air Action Plan - General Rules and Regulations, of the Port of Los Angeles Tariff No. Four - Voluntary Vessel Speed Reduction Program.

Fiscal Impact Statement: The Board of Harbor Commissioners (Board) reports that the Environmental Management Division has a \$1.5 million budget in Fiscal Year 2009-10 for the Vessel Speed Reduction Incentive Program (VSRIP). The cost to expand the VSRIP to 40 nm between September 29, 2009 and December 31, 2009 is estimated at \$400,000. The Board further notes that while it is difficult to project how many eligible vessel operators will actually invoice the Harbor Department for an incentive payment, staff estimate that in Fiscal Year 2009-10 the cost for Current Year 2009 VSRIP may range from \$1.6 million to \$1.8 million. Any funds needed over the \$1.5 million budget will be paid out of the Low Sulfur Fuel Program budget. Funds are available in Account 59965-330-000. Incentives for participation in Current Year 2010 VSRIP will be paid out of Fiscal Year 2010-11 and requested as part of the budget adoption process.

Community Impact Statement: None submitted.

**ITEM NO. (10) - ADOPTED**

**Roll Call #7 - Motion (Reyes - Rosendahl) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)**

[07-1342](#)

AD HOC RIVER COMMITTEE REPORT relative to the establishment of a Los Angeles River Special Projects Office, the implementation of the Los Angeles River Revitalization Master Plan (LARRMP), and the status of work related to the ongoing revitalization of the Los Angeles River.

Recommendation for Council action:

NOTE and FILE the October 19, 2009 report from the Bureau of Engineering relative to the establishment of a Los Angeles River Special Projects Office; the October 21, 2009 report from the Department of City Planning relative to the implementation of the LARRMP; and the October 22, 2009 report from the Community Redevelopment Agency relative to the status of work related to the ongoing revitalization of the Los Angeles River.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

## ITEM NO. (11) - ADOPTED, AS AMENDED

**Roll Call #9 - Motion (LaBonge - Reyes) To Adopt As Amended, Ayes (13); Absent: Huizar (1)**

[09-0252](#)

AD HOC RIVER COMMITTEE REPORT relative to California High Speed Rail alignment and station options for the City of Los Angeles.

Recommendations for Council action:

1. DIRECT the Department of City Planning (Planning), and other City departments as appropriate, to continue working with the California High Speed Rail Authority (CHSRA) as a participating agency.
2. DIRECT Planning to continue working with City departments to explore the possibility of a Union Station East/Vignes Station.
3. DIRECT Planning to continue working with other City departments to provide a formal comment letter to the CHSRA on the recently released Draft Alternatives Analysis reports.
4. DIRECT Planning to work with the Department of Transportation to explore hiring a consultant to assist with the preparation of comments on project alternatives and the development of feasible mitigation options.
5. DIRECT Planning to provide a list of communities impacted by this project.

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

Community Impact Statement: None submitted.

(Transportation Committee waived consideration of the above matter)

**ADOPTED**

**MOTION (ALARCON - REYES)**

**Recommendation for Council action:**

**DIRECT that outlying stations, specifically the Sylmar Station, be included in the study by the California High Speed Rail Authority.**

**ITEM NO. (12) - CONTINUED TO DECEMBER 15, 2009**

**Roll Call #2 - Motion (Rosendahl - LaBonge) Adopted To Continue, Unanimous Vote (10); Absent: Cardenas, Hahn, Huizar and Perry (4)**

[07-2112-S1](#)

CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to requesting amendments to the administration of the Venice Beach Boardwalk Public Expression Permit Program Rules.

Recommendation for Council action, pursuant to Motion (Rosendahl - LaBonge):

REQUEST the City Attorney to prepare and present amendments to Los Angeles Municipal Code Section 42.15 which includes the following:

- a. Ensures the use of all musical instruments are discontinued at sunset.
- b. Ensures that all performers are rotated in a timely manner thus allowing for the participation of other performers for shared space purposes.
- c. Instructs the Department of Recreation and Parks to create a lottery system that is year-round for both the I-Zone and P-Zone.

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.

(Continued from Council meeting of November 18, 2009)

**Roll Call #7 - Motion (Reyes - Rosendahl) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)  
(Item Nos. 13-15)**

**ITEM NO. (13) - ADOPTED**

[04-0146](#)

[09-2001](#)

CD 1

INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT relative to a lease agreement with Central City Neighborhood Partners for City-owned property at 501 South Bixel Street.

Recommendation for Council action, as initiated by Motion (Reyes - Rosendahl):

NOTE and FILE the Community Development Department report, dated July 29, 2009, relative to the execution of a lease agreement with Central City Neighborhood Partners for City-owned property located at 501 South Bixel Street, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**ITEM NO. (14) - ADOPTED**

[09-2477](#)

CD 9

INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT relative to a settlement agreement and new lease for Space 22 (Quiznos) at the Los Angeles Mall.

Recommendations for Council action:

1. AUTHORIZE the Department of General Services (GSD) to execute a settlement agreement, and all other documents necessary to implement the settlement agreement consistent with the proposed settlement outlined in the GSD report dated September 24, 2009, attached to the Council file, approved as to form and legality by the City Attorney.
2. AUTHORIZE the GSD, without further instruction, to receive the funds for settlement of this matter according to the settlement agreement, and to enter into a lease on behalf of the City with Shahrokh Davood and his company Nutri Stores, Inc. for the Quiznos restaurant in the Los Angeles Mall, under the terms and conditions as outlined in the GSD report dated September 24, 2009, subject to approval by the City Attorney as to form and legality.

Fiscal Impact Statement: The GSD reports that with the proposed new lease, the Quiznos in the Los Angeles Mall will generate \$2,800 a month or \$33,600 annually beginning from the time Council approves a new lease. This is up from \$656 per month or \$7,872 annually since Mr. Davood was obligated to make rent payments in 2005. This is a revenue increase of over 40 percent.

Community Impact Statement: None submitted.

[Council may recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the above matter.]

**ITEM NO. (15) - ADOPTED**

[07-1714-S1](#)

JOB AND BUSINESS DEVELOPMENT, PERSONNEL AND BUDGET AND FINANCE COMMITTEES' REPORT relative to Annual Plan Staffing/Workforce Investment Act (WIA) related cost reimbursement and Program Year (PY) 2006-07 carry-in savings.

Recommendation for Council action:

RECEIVE and FILE the January 18, 2008 Community Development Department report.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**ITEM NO. (16) - ADOPTED**

**Roll Call #15 - Motion (Alarcón - Cárdenas) Adopted, Ayes (13); Absent: Huizar (1)**

[09-2750](#)

JOB AND BUSINESS DEVELOPMENT COMMITTEE REPORT relative to improving receipt of the Earned Income Tax Credit (EITC) for eligible taxpayers.

Recommendations for Council action, as initiated by Motion (Alarcón - Wesson):

1. DIRECT the Los Angeles Department of Water and Power (LADWP), Los Angeles Housing Department (LAHD), Community Development Department (CDD), Housing Authority of the City of Los Angeles (HACLA) and all other City departments that operate programs for low-income residents to include notices alerting residents how to claim the EITC in January to April mailers each year.
2. DIRECT the Chief Legislative Analyst (CLA) and the Office of Finance, with the assistance of the CDD and City Administrative Officer (CAO), to prepare a report about the process of developing a memorandum of understanding or other agreement with the Internal Revenue Service (IRS) and/or the California Franchise Tax Board to implement an EITC program similar to the City of New York model and report back to the Jobs and Business Development Committee within 60 days.
3. DIRECT the CLA to prepare a Resolution asking the State to take the steps necessary to adopt an EITC program similar to the one used by the City of New York.
4. DIRECT the CDD to continue its efforts to try to establish a Volunteer Income Tax Assistance (VITA) site at every family service center.



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

Community Impact Statement: None submitted.

**Roll Call #7 - Motion (Reyes - Rosendahl) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)  
(Item Nos. 17-20)**

**ITEM NO. (17) - ADOPTED**

[09-1729](#)

CD 11

PUBLIC WORKS and BUDGET AND FINANCE COMMITTEES' REPORT relative to waiving the processing fee associated with voluntary street dedication and/or dedication of street lighting easements for 32 certain properties located in the Silver Strand region of Marina Del Rey.

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

INSTRUCT the Bureau of Engineering (BOE) to provide a one-time waiver for all processing fees associated with voluntary street dedication and/or dedication of street lighting easements from the 32 properties listed by Assessor Parcel Number (APN) located on the streets Union Jack Mall, Voyage Mall, and Westwind Mall, as detailed in the Motion, attached to the Committee report, which will result in the waiving of \$74,814 in fees.

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. (18) - ADOPTED**

[09-2472](#)

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Flood Hazard Management Ordinance modifying the Flood Hazard Management Specific Plan.

Recommendation for Council action:

REQUEST the City Attorney, in consultation with the Bureau of Engineering, to prepare and present an ordinance to amend the Flood Hazard Specific Plan Ordinance No. 172081 and to amend the Los Angeles Municipal Code (LAMC) sections to incorporate the proposed ordinance revision, as attached to the Board of Public Works report dated September 16, 2009.

Fiscal Impact Statement: The Board of Public Works reports that the proposed ordinance is to provide details to avoid conflict in interpretation by City staff and residents. There is no financial impact. Adoption of the proposed ordinance to mitigate flood hazards will not require additional City resources to implement. It is intended that the cost for additional reviews and verifications during plan check of private development will be recovered from the existing fee schedule.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of this matter)

**ITEM NO. (19) - ADOPTED - SEE FOLLOWING**

[09-2725](#)

CD 13

MOTION (GARCETTI - ZINE) relative to directing the Bureau of Engineering to waive all requirements for widening of Harvard Boulevard between Romaine Boulevard and the end of the street.

(Planning and Land Use Management 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.)

(Public Works Committee waived consideration of the above matter.)

**ADOPTED**

**PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT** relative to directing the Bureau of Engineering to waive all requirements for widening of Harvard Boulevard between Romaine Boulevard and the end of the street.

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

**DIRECT** the Bureau of Engineering (BOE) to waive all requirements for widening of Harvard Boulevard between Romaine Boulevard and the end of the street, which is for a 40-unit apartment affordable housing project located at 952 North Harvard Street, inasmuch as the Los Angeles Fire Department, Los Angeles Department of Transportation, and BOE indicate that there is no need for the street widening requirement, inasmuch as there are no public safety impacts.

**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.

(Public Works Committee waived consideration of this matter.)

**ITEM NO. (20) - ADOPTED**

[09-2620-S1](#)

CD15

GENERAL EXEMPTION, TRADE, COMMERCE AND TOURISM COMMITTEE REPORT relative to an agreement between the City of Los Angeles, the City of Long Beach, and Kaye Scholer, LLP for legal services.

Recommendations for Council action:

1. FIND that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.
2. APPROVE the fourth amendment to agreement No. 2519 (assigned Harbor Department agreement No. 09-2519-D) between the City of Los Angeles Harbor Department, the City of Long Beach, and Kaye Scholer LLP, for professional legal services.
3. CONCUR with the Board of Harbor Commissioners (Board) action of September 29, 2009 authorizing the Executive Director to execute the fourth amendment to the agreement between the City of Los Angeles Harbor Department, the City of Long Beach, and Kaye Scholer LLP.

Fiscal Impact Statement: The Board reports that this action will have no additional direct employment effect.

Community Impact Statement: None submitted.

TIME LIMIT FILE - JANUARY 5, 2010

(LAST DAY FOR COUNCIL ACTION - JANUARY 5, 2010)

**Items for Which Public Hearings Have Not Been Held - Items 21-29**

(10 Votes Required for Consideration)

**Roll Call #8 - Motion (Cárdenas - Koretz) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)  
(Item Nos. 21a-h)**

**ITEM NO. (21) - ADOPTED**

[09-0005-S754](#)

et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of November 25, 2009:

[09-0005-S754](#)

CD 9

- a. Property at 1024 West 49th Street (Case No. 160494).  
Assessor I.D. No. 5017-027-023  
(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 27, 2007)

[09-0005-S755](#)

CD 10

- b. Property at 1109 South Genesee Avenue (Case No. 198722).  
Assessor I.D. No. 5086-017-032

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 21, 2009)

[09-0005-S756](#)

CD 8

- c. Property at 1127 West Martin Luther King Jr. Boulevard (Case No. 214689).  
Assessor I.D. No. 5037-025-014

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 24, 2009)

[09-0005-S757](#)

CD 1

- d. Property at 2807 North Alta Street aka 2809 North Alta Street (Case No. 170392).  
Assessor I.D. No. 5208-022-005

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 15, 2008)

[09-0005-S758](#)

CD 8

- e. Property at 3324 West 71st Street (Case No. 168760).  
Assessor I.D. No. 4006-032-001

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on April 3, 2008)

[09-0005-S759](#)

CD 14

- f. Property at 3539 East Sabina Street (Case No. 177610).  
Assessor I.D. No. 5188-003-032

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 14, 2008)

[09-0005-S760](#)

CD 15

- g. Property at 444 West 40th Street (Case No. 233530).  
Assessor I.D. No. 7467-023-014

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 3, 2009)

[09-0005-S761](#)

CD 4

- h. Property at 528 South Normandie Avenue (Case No. 212285).  
Assessor I.D. No. 5502-018-018

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 8, 2009)

**ITEM NO. (22) - ADOPTED, AS MENDED**

**Roll Call #9 - Motion (LaBonge - Reyes) To Adopt As Amended, Ayes (13); Absent: Huizar (1)**

[09-0002-S179](#)

COMMUNICATION FROM CHAIR, INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE and RESOLUTION relative to requesting the California High Speed Rail Authority to consider multiple sites for a downtown Los Angeles high speed rail station.

Recommendation for Council action, pursuant to Resolution (Reyes - Perry - Huizar), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to REQUEST the California High Speed Rail Authority to include in its study on possible locations for a downtown Los Angeles rail station more than one potential site and include an examination of potential sites that are in the proximity of Vignes Street and East Patsaouras Plaza, between Union Station and the former westbank option.

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.

**ADOPTED**

**MOTION (ALARCON - REYES)**

**Recommendation for Council action:**

**DIRECT that outlying stations, specifically the Sylmar Station, be included in the study by the California High Speed Rail Authority.**

**ITEM NO. (23) - ADOPTED FORTHWITH TO THE MAYOR**

**Roll Call #17 - Motion (Smith - Cárdenas) Adopted, Ayes (13); Absent: Huizar (1)**

[07-1841](#)

COMMUNICATION FROM VICE-CHAIR, PUBLIC SAFETY COMMITTEE relative to grant award modifications of the 2006 State Homeland Security Grant (SHSGP) and the 2006 Law Enforcement Terrorism Prevention (LETPP) Programs.

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

1. AUTHORIZE the Mayor, or designee, to:
  - a. Extend the performance period of the Fiscal Year (FY) 2006 SHSGP and the FY 2006 LETPP through September 30, 2009.
  - b. Modify the FY 2006 SHSGP and FY 2006 LETPP grant award in order to increase the total cumulative grant amount by \$75,000 to \$1,488,000, and to reflect the grantor approved budget modifications detailed in the City Administrative Officer report to the Mayor and Council dated November 17, 2009 Attachment (attached to the Council file).
2. AUTHORIZE the Controller to:
  - a. Increase the FY 2006 SHSGP grant receivable within in the SHSGP Grant Fund 49T/46, by \$75,000, for a new total of \$1,488,000.
  - b. Increase appropriations in the SHSGP Grant Fund 49T/46, Account A170 by \$75,000, for a new total of \$1,091,000.
  - c. Transfer appropriations within the SHSGP Grant Fund 49T/46, as follows:

| <u>Account</u> | <u>Title</u>              | <u>Amount</u> |
|----------------|---------------------------|---------------|
| A170           | LAPD - Salaries, OT Sworn | \$1,091,000   |
| A370           | LAPD - SHSGP Grant        | \$1,091,000   |
  - d. Transfer \$1,365,180.29, on an as-needed basis, from the SHSGP Grant Fund 49T/46, Account A370 to the General Fund 100/70, Revenue Source Code 4610, for reimbursement of Police Department prior year overtime expenditures related to the FY 2006 SHSGP/LETPP.
3. AUTHORIZE the Mayor's Office of Homeland Security and Public Safety to prepare Controller instructions for any necessary technical adjustments consistent with this action, subject to the approval of the CAO; and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. Approval of the above recommendations will increase the joint 2006 SHSGP and LETPP allocation by \$75,000 for a new total of \$1,488,000. These recommendations are in compliance with City financial policies, as grant funds are sufficient to reimburse the overtime expenditures incurred as a result of grant activities.

Community Impact Statement: None submitted.

**ITEM NO. (24) - ADOPTED**

**Roll Call #18 - Motion (Smith - Cárdenas) Adopted, Ayes (13); Absent: Huizar (1)**

[09-2767](#)

COMMUNICATION FROM VICE-CHAIR, PUBLIC SAFETY COMMITTEE relative to the Los Angeles Police Department's (LAPD) Supplemental Police Account (SPA) Expenditure Plan XXIII.

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

1. APPROVE the SPA XXIII Expenditure Plan attached to the City Administrative Officer (CAO) report to the Mayor dated November 4, 2009 (attached to the Council file).
2. AUTHORIZE the LAPD to disencumber prior year SPA funds and use those funds to purchase replacement ballistic vests.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund inasmuch as all funding for the SPA comes from budgeted funds within the Forfeited Assets Trust Fund. Approving the above recommendations complies with City financial policies in that one-time revenue is used for one-time expenditures.

Community Impact Statement: None submitted.

**ITEM NO. (25) - RECEIVED AND FILED**

**Roll Call #19 - Motion (Cárdenas - Smith) Adopted To Receive and File, Unanimous Vote (12); Absent: Huizar and Reyes (2)**

[09-2604](#)

CD 6

CONSIDERATION OF MOTION (CARDENAS - SMITH) relative to the Balboa Boulevard and Victory Boulevard Intersection Improvement Project.

Recommendations for Council action:

1. REQUEST the Board of Public Works to exempt from any 2009 holiday season excavation restriction, the Balboa Boulevard and Victory Boulevard Intersection Improvement Project and to WAIVE any moratorium for construction activities at the intersection of Balboa Boulevard and Victory Boulevard in Lake Balboa.
2. DIRECT the Los Angeles Department of Transportation to deploy parking enforcement officers during peak hours at the intersection of Balboa Boulevard and Victory Boulevard to provide traffic control for the duration of the construction.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

**ITEM NO. (26) - ADOPTED**

**Roll Call #11 - Motion (Hahn - LaBonge) Adopted, Ayes (13); Absent: Huizar (1)**

[09-0010-S57](#)

MOTION (HAHN - LABONGE) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of David Medina on July 21, 2009.

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

1. PROVIDE an offer of reward in the amount of \$50,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the death of David Medina on July 21, 2009.
2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.
3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

**ITEM NO. (27) - ADOPTED**

**Roll Call #8 - Motion (Cárdenas - Koretz) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)**

[09-2868](#)

CD 13

MOTION (GARCETTI - PERRY) relative to funding for the beautification of the Highland Medians.

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

1. TRANSFER \$12,000 from the Pipeline Franchise Revenue portion of the Council District 13 Real Property Trust Fund No. 694 to the Central Hollywood Neighborhood Council, Account 4701/44B, Appropriation Account No. 1031, and said funds be used for the beautification of the Highland Medians.
2. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion.

**ITEM NO. (28) - ADOPTED**

**Roll Call #16 - Motion (LaBonge - Hahn) Adopted, Ayes (13); Absent: Huizar (1)**

[09-2871](#)

MOTION (LABONGE - HAHN) relative to looking at alternative ways to administer the Dear Santa letters.

Recommendations for Council action:



1. REQUEST the Los Angeles Postal District along with the City of Los Angeles look at an alternative to administer the Dear Santa letters to continue this almost century old tradition.
2. SALUTE the Los Angeles Postal District for all their efforts during this Holiday season in these challenging economic times.

#### **ITEM NO. (29) - ADOPTED**

**Roll Call #8 - Motion (Cárdenas - Koretz) Adopted, Ayes (11); Absent: Hahn, Huizar and Perry (3)**

[09-2865](#)

MOTION (PERRY - GARCETTI) relative to authorizing the Department of General Services (GSD) use of the City Hall Tom Bradley Tower on December 16, 2009.

Recommendation for Council action:

AUTHORIZE the GSD use of the City Hall Tom Bradley Room on December 16, 2009, during normal business hours, for a special reception for the staff of its Parking Services Division.

### **Items Called Special**

#### **Motions for Posting and Referral**

#### **Councilmembers' Requests for Excuse from Attendance at Council Meetings**

#### **Closed Sessions - Items 30-33**

#### **ITEM NO. (30) - CONTINUED TO JANUARY 10, 2010**

**Roll Call #3 - Motion (Parks - Smith) Adopted To Continue, Unanimous Vote (10); Absent: Cárdenas, Hahn, Huizar and Perry (4)**

[09-1482](#)

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 Bekeredjian v. City of Los Angeles, Los Angeles Superior Court Case No. BC343886. (This case arises from earth movement that occurred on February 27, 2005, in the vicinity of Laurel Canyon Boulevard. The earth movement affected private property and Laurel Canyon Boulevard.)

(Budget and Finance Committee considered the above matter in Closed Session on July 20, 2009)

(Continued from Council meeting of November 18, 2009)

**ITEM NO. (31) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Roll Call #20 - Motion (Parks - Smith) Adopted In Open Session, Ayes (12); Absent: Huizar and Reyes (2)**

[09-2714](#)

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 Robert Gullixson v. City of Los Angeles, Los Angeles Superior Court Case No. BC377885. (This case arises from plaintiff's claims of retaliation, racial harassment, disability discrimination and constructive discharge with the Department of Building and Safety.)

(Budget and Finance Committee considered the above matter in Closed Session on November 23, 2009.)

**ADOPTED**

**MOTION (PARKS - SMITH)**

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

**ADOPT the recommendation of the City Attorney in connection with the case entitled Robert Gullixson v. City of Los Angeles, Los Angeles Superior Court Case No. BC377885. (This case arises from plaintiff's claims of retaliation, racial harassment, disability discrimination and constructive discharge with the Department of Building and Safety.)**

**ITEM NO. (32) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Roll Call #21 - Motion (Wesson - Zine) Adopted In Open Session, Ayes (12); Absent: Huizar and Reyes (2)**

[09-2783](#)

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 Hector Moreno and Elena Moreno v. City of Los Angeles, Los Angeles Superior Court Case No. BC394249. (This case arises from an inverse condemnation action involving a slope failure on City property.)

(Budget and Finance Committee considered the above matter in Closed Session on November 23, 2009.)

**ADOPTED**

**MOTION (WESSON - ZINE)**

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

- 1. AUTHORIZE the City Attorney to expend \$29,080 in partial settlement of the case entitled Hector Moreno and Elena Moreno v. City of Los Angeles, Los Angeles Superior Court Case No. BC394249, from Liability Claims Account No. 9760, Fund 100/59.**

2. **AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Hector Moreno, Elena Moreno and the Law Offices of Peter J. Lesser.**

**This matter was approved by the Budget and Finance Committee (Parks-Huizar-Koretz "yes") at its meeting on November 23, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).**

**ITEM NO. (33) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Roll Call #22 - Motion (Wesson - Zine) Adopted In Open Session, Ayes (12); Absent: Huizar and Reyes (2)**

[09-2627](#)

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 Robert C. Stein v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 095276. (This case arises out of a dangerous condition of public property claim against the City as a result of malfunctioning traffic control signals.)

(Budget and Finance Committee considered the above matter in Closed Session on November 9, 2009.)

(Continued from Council meeting of November 25, 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 Robert C. Stein v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 095276 from the Liability Claims Account No. 9770, Fund No. 100/59.**
2. **AUTHORIZE the City Attorney to draw a demand thereon in the amount of \$1,000,000 and made payable to McNicholas & McNicholas LLP and Robert Stein.**
3. **AUTHORIZE the Controller to TRANSFER \$1,000,000 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to Liability Claims Fund 100/59, Liability claims over \$100,000, Account No. 9770 to be reimbursed by proceeds from a future Judgment Obligation Bond issuance.**
4. **FIND, based on City Administrative Officer and Chief Legislative Analyst recommendations:**
  - a. **The settlement is in the best interest of the City.**
  - b. **There are no other sources of available money to pay the settlement amount on a timely basis pursuant to the terms of the settlement agreement.**

- c. The City intends to make one or more interfund borrowings or advances from the Reserve Fund to pay all or a portion of the settlement on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issue.
  - d. The City will obtain a Stipulated Judgment pursuant to Code of Civil Procedure Section 664.6.
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-Smith-Rosendahl-Koretz "yes") at its meeting on November 9, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

**MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR DAY, DATE, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23**

**ADOPTED**

Roll Call #12 - Motion (Rosendahl - Garcetti - et. al) Findings on Need to Act - Adopted, Ayes (13); Absent: Huizar (1)

Roll Call #13 - Motion (Rosendahl - Garcetti - et. al) Adopted, Ayes (13); Absent: Huizar (1)

[09-2918](#)

RESOLUTION (ROSENDAHL - GARCETTI - ET. AL) relative to the "LOS ANGELES DAY OF NON-VIOLENCE" in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE December 2, 2009 as "LOS ANGELES DAY OF NON-VIOLENCE" in the City of Los Angeles.

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

[09-2916](#)

MOTION (PERRY - CARDENAS) relative to asserting jurisdiction over the Board of Water and Power Commissioner's action on December 1, 2009.

## **COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS**

Upon her request, and without objections, Councilmember Perry was excused from Council sessions of First Fridays of each month for City Business SCAQMD.

Upon his request, and without objections, Councilmember Smith was excused from Council sessions of April 9, 13, 14 and 16, 2010 due to personal business.

Upon her request, and without objections, Councilmember Perry was excused from Council session of Wednesday, January 13, 2010 leaving at 11:30 a.m. due to City Business.

Upon his request, and without objections, Councilmember Zine was excused from Council sessions of Wednesday, January 6, 2010; Friday, January 8, 2010; and Friday, January 22, 2010 leaving at 11:15 a.m. due to City Business.

Upon her request, and without objections, Councilmember Hahn was excused from Council session of Wednesday, January 6, 2010.

Upon his request, and without objections, Councilmember Wesson was excused from Council sessions of Friday, August 13, and 20, 2010 due to City Business.

Upon his request, and without objections, Councilmember Wesson was excused from Council sessions of Tuesday, December 8, 2009.

## **COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

[09-2501](#) - John R. Fishel

(Koretz - Parks - et. al)

San Pedro Peninsula Cancer Guild

(Hahn)

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

[09-2500](#) - Frank Charles Garzo

(LaBonge - All)

Joseph Abraham Hubbard, Jr.,

(Parks - Perry - Hahn)

Carlene Coggs

(Parks)

Robert Berke

(Rosendahl)

Robert Lee Woolley, Jr.

(Zine)

Scott Spellman

(Zine)

**Ayes, Alarcón, Cárdenas, Hahn, Koretz, LaBonge, Parks, Perry, Rosendahl, Smith, Wesson, Zine and President Garcetti (12); Absent: Huizar and Reyes (2); Vacant: Council District Two**

**Whereupon the Council did adjourn.**

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL