

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **March 2, 2011**
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: Cárdenas, Hahn, Huizar, Koretz, Krekorian, Perry, Reyes, Wesson, Zine and President Garcetti (10); Absent: Alarcón, LaBonge, Parks, Rosendahl and Smith (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
FEBRUARY 25, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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 1-3

ITEM NO. (1) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO DENY APPLICATION

Roll Call #16 - Adopted to Deny Application, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

[10-1976](#)
CD 6

CONTINUED CONSIDERATION OF HEARING COMMENTS relative to an Application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at Circle K Convenience Market.

Recommendations for Council action:

1. DETERMINE that the "Public Convenience or Necessity" WILL NOT be served by the sale of alcoholic beverages for off-site consumption at Circle K Convenience Market located at 16056 Sherman Way, Van Nuys, 91406, inasmuch as the site is located in a high crime reporting district and in a census tract with an undue concentration of alcoholic beverage sales licenses.
2. DENY the application for Determination of "Public Convenience or Necessity" for the sale of alcoholic beverages for off-site consumption at 16056 Sherman Way, based upon the above findings and the negative influence associated with the sale of alcohol in the concerned community.

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Application filed by: Sherwood Mart, Inc. (Sherrie Olson, representative)

TIME LIMIT FILE - MARCH 7, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 4, 2011)

(Continued from Council meeting of February 25, 2011)

**Roll Call #9 - Adopted, Ayes (12); Absent: Alarcón, Parks and Smith (3)
(Item Nos. 2-3)**

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

[10-1834](#)
CD 5

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Stansbury Avenue and Valley Vista Boulevard Lighting District.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held February 9, 2011)

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

[10-1853](#)
CD 12

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Lindley Avenue and Topham Street Lighting District.

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

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held February 9, 2011)

Items for Which Public Hearings Have Been Held - Items 4-12

ITEM NO. (4) - ADOPTED - SEE FOLLOWING

Roll Call #15 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

11-0179

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Victor Narro to the Community Redevelopment Agency Board of Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Victor Narro to the Community Redevelopment Agency Board of Commissioners for the term ending November 4, 2011 is APPROVED and CONFIRMED. (Current commission gender composition: M = 3; F = 3)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

(Housing, Community and Economic Development 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

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the appointment of Mr. Victor Narro to the Community Redevelopment Agency (CRA) Board of Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Victor Narro to the CRA Board of Commissioners for the term ending November 4, 2011 is APPROVED and CONFIRMED. Mr. Gathers resides in Council District Five. (Current commission gender composition: M = 3; F = 3; Vacant = 1)

Ethics Commission Review: Completed.

Background Check Review: Completed.

Community Impact Statement: None submitted.

ITEM NO. (5) - SEE ITEM NO. (13) - CONTINUED TO MARCH 18, 2011

Roll Call #1 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Parks, Rosendahl and Smith (4)

10-1735

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to a proposed amendment of the Service Rider Enterprise Zone (EZ) of the Electric Rate Ordinance (Ordinance No. 180127).

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

1. CONCUR with the Board of Water and Power Commissioners' action of November 2, 2010, Resolution No. 011-136, requesting City Council to approve an Ordinance amending the Service Rider EZ of the Electric Rates Ordinance (Ordinance No. 180127) as detailed in the Board of Water and Power Commissioner's November 4, 2010 report, attached to the Council file.
2. REQUEST the City Attorney to prepare and present an ordinance to amend the Service Rider EZ of the Electric Rates Ordinance (Ordinance No. 180127), substantially as detailed in Resolution No. 011-136, attached to the Council file.
3. REQUEST the Los Angeles Department of Water and Power (LADWP) to report back to Council with an analysis of how the benefits of the existing Enterprise Zones can be enhanced.
4. INSTRUCT the Chief Legislative Analyst to report back with an analysis of the impacts on Enterprise Zones if the Governor of California eliminates Community Redevelopment Agencies.

Fiscal Impact Statement: The City Administrative Officer reports that there is no fiscal impact to the General Fund. This proposal to approve the Board of Water and Power Commissioner's Resolution No. 011-136, the EZ Service Rider, is projected to cost a maximum of \$6.5 million from the Power Revenue Fund. The LADWP could receive a projected \$20.5 million annual revenue they otherwise would not expect to receive.

Community Impact Statement: None submitted.

ITEM NO. (6) - ADOPTED

Roll Call #3 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

11-0119

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the withdrawal from further consideration of the appointment of Mr. Mark Mullen to the City Planning Commission.

Recommendation for Council action:

RECEIVE and FILE the Mayor's appointment of Mr. Mark Mullen to the City Planning Commission for the term ending June 30, 2014, inasmuch as the nominee has submitted his request to be withdrawn from further consideration.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 17, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 9, 2011)

ITEM NO. (7) - CONTINUED TO MARCH 9, 2011

Roll Call #2 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Parks, Rosendahl and Smith (4)

[11-0048](#)

CD 4

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Variance appeal for property at 1037 North Sycamore Street.

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

1. FIND that this action is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Article III, Section 3, Class 13(5) of the City's CEQA Guidelines.
2. ADOPT THE FINDINGS of the Zoning Administrator as the Findings of Council.
3. RESOLVE TO DENY APPEAL filed by J.H. McQuiston from the entire determination of the Central Los Angeles Area Planning Commission (CLAAPC), in sustaining the Zoning Administrator's decision, THEREBY APPROVING 1) a Variance from Los Angeles Municipal Code Section 12.17.5-B to permit the continued use and maintenance of an adult entertainment business (private club/sexual encounter establishment) in the MR1-1 Zone; and 2) a Variance from Los Angeles Municipal Code section 12.70-C to permit continued use and maintenance of an adult entertainment business (private club/sexual encounter establishment) within 500 feet of residentially zoned property for property at 1037 North Sycamore Street, subject to Conditions of Approval.

Applicant: Shaun Butler, Community Investment Holdings, Inc.

ZA-2009-2396-ZV-1A

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

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 22, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 22, 2011)

ITEM NO. (8) - ADOPTED

Roll Call #18 - Adopted, Ayes (10); Absent: Alarcón, Huizar, LaBonge, Parks and Smith (5)

[10-2412](#)

TRANSPORTATION COMMITTEE REPORT relative to initiating the actions necessary to begin construction of the Arroyo Seco Bikeway/River Confluence Gateway at San Fernando Road to Avenue 26.

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

1. AUTHORIZE the Los Angeles Department of Transportation (LADOT), with the assistance of the City Engineer, the Bureau of Sanitation, the Bureau of Street Services and the Department of Recreation and Parks, and in consultation with the Department of General Services, to negotiate and execute any documents necessary to provide required permissions in connection with the construction of the Arroyo Seco Bikeway/River Confluence Gateway at San Fernando Road to Avenue 26 in the City of Los Angeles, subject to the approval of the City Attorney as to form and legality.
2. DIRECT the LADOT to report to the Transportation Committee in 60 days on the status of the project's construction, access, and maintenance agreements.

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.

**Roll Call #3 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)
(Item Nos. 9-12)**

ITEM NO. (9) - ADOPTED

[09-0332](#)

CD 10

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 63.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 63, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act as a Class 1 Categorical Exemption, under Article III, 1.a.3 of the City's environmental guidelines.
2. FIND that the parking problems that led to the establishment of Temporary PPD No. 63, a five-block area north of the Los Angeles County Metropolitan Transit Authority Transit Terminal at Pico Boulevard and Rimpau Boulevard, still exist and that no permanent solutions are available to be implemented at this time.

3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 63, for 12 months, until March 23, 2012, pursuant to LAMC Section 80.58.d.

Fiscal Impact Statement: The Los Angeles Department of Transportation reports that revenue from the sale of permits will cover the cost of implementing, administering, and enforcing temporary PPD No. 63. 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. (10) - ADOPTED

[10-0278](#)

CD 10

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 71.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 71, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act as a Class 1 Categorical Exemption, under Article III, 1.a.3 of the City's environmental guidelines.
2. FIND that the parking problems that led to the establishment of Temporary PPD No. 71, located on Hutchison Avenue and Sherbourne Drive south of Venice Boulevard, still exist and that no permanent solutions are available to be implemented at this time.
3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 71, for 12 months, until March 6, 2012, pursuant to LAMC Section 80.58.d.

Fiscal Impact Statement: The Los Angeles Department of Transportation reports that revenue from the sale of permits will cover the cost of implementing, administering, and enforcing temporary PPD No. 71. 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. (11) - ADOPTED

[10-0279](#)

CD 12

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 82.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 82, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act as a Class 1

Categorical Exemption, under Article III, 1.a.3 of the City's environmental guidelines.

2. FIND that the parking problems that led to the establishment of Temporary PPD No. 82, located on Germain Street in Granada Hills, still exist and that no permanent solutions are available to be implemented at this time.
3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 82, for 12 months, until March 3, 2012, pursuant to LAMC Section 80.58.d.

Fiscal Impact Statement: The Los Angeles Department of Transportation reports that revenue from the sale of permits will cover the cost of implementing, administering, and enforcing temporary PPD No. 82. 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. (12) - ADOPTED

[10-0280](#)

CD 9

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 95.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 95, pursuant to Los Angeles Municipal Code (LAMC) Section 80.58.d, is exempt from the California Environmental Quality Act as a Class 1 Categorical Exemption, under Article III, 1.a.3 of the City's environmental guidelines.
2. FIND that the parking problems that led to the establishment of Temporary PPD No. 95, located on East 57th Street between Towne Avenue and Avalon Boulevard, still exist and that no permanent solutions are available to be implemented at this time.
3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 95, for 12 months, until March 3, 2012, pursuant to LAMC Section 80.58.d.

Fiscal Impact Statement: The Los Angeles Department of Transportation reports that revenue from the sale of permits will cover the cost of implementing, administering, and enforcing temporary PPD No. 95. 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.

Items for Which Public Hearings Have Not Been Held - Items 13-28

(10 Votes Required for Consideration)

ITEM NO. (13) - SEE ITEM NO. (5) - CONTINUED TO MARCH 18, 2011

Roll Call #4 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Parks, Rosendahl and Smith (4)

[10-1735](#)

COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the "General Service Rider Enterprise Zone" of the Electric Rate Ordinance (Ordinance No. 180127).

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

PRESENT and ADOPT the accompanying ORDINANCE approving the amendment of rates previously fixed by the Los Angeles Department of Water and Power (LADWP) and charged for electric energy distributed and for services supplied by the LADWP to its customers, by amending Ordinance No. 180127, as amended by Ordinance No. 181181 in connection with the General Service Rider Enterprise Zone.

Fiscal Impact Statement: None submitted.

Community Impact Statement: None submitted.

(Energy and Environment Committee waived consideration of the above matter)

ITEM NO. (14) - ADOPTED

Roll Call #9 - Adopted, Ayes (12); Absent: Alarcón, Parks and Smith (3)

[10-1736](#)

COMMUNICATIONS FROM THE BOARD OF WATER AND POWER COMMISSIONERS and CITY ADMINISTRATIVE OFFICER and ORDINANCE FIRST CONSIDERATION relative to the sale of Ingress/Egress Easements to the BNSF Railway Company, Inc. located in the City of Vernon.

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

1. CONCUR with the Board of Water and Power Commissioners' action of November 2, 2010, Resolution No. 011-124 authorizing the sale of Ingress/Egress Easements to the BNSF Railway Company, Inc. to cross the Los Angeles Department of Water and Power's (LADWP) Velasco to Bandini Transmission Line Right of Way No. 2A located in the City of Vernon (Real Estate File No. P-81560) as detailed in the Board of Water and Power Commissioner's November 4, 2010 report, attached to the Council file.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the Sale of Easements to BNSF Railway Company, Inc. for Ingress and Egress and Railroad Purposes at the Velasco to Bandini Junction Transmission Line.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed sale of Ingress/Egress Easements to the BNSF Railway Company, Inc. will result in one-time revenue of \$46,000 to the Power Revenue Fund. Since the LADWP is bound only by the City Debt Management Policies, the City Financial Policies are not applicable. Approval of the proposed resolution will have no impact on the City's General Fund.

Community Impact Statement: None submitted.

(Energy and Environment Committee waived consideration of the above matter)

ITEM NO. (15) - ADOPTED

Roll Call #10 - Adopted, Ayes (12); Absent: Alarcón, Parks and Smith (3)

[11-0219](#)

CD 15

ADMINISTRATIVE EXEMPTION, COMMUNICATION FROM THE BOARD OF HARBOR COMMISSIONERS and ORDINANCE FIRST CONSIDERATION relative to a proposed purchase and sale agreement in connection with the private sale of real property located at 223 and 233 North King Avenue in Wilmington and interest in the abutting alley.

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

1. FIND that, these actions, as described in the February 4, 2011 Board of Harbor Commissioners (Board) report, attached to the Council file, are exempt from the California Environmental Quality Act (CEQA) pursuant to Article III Class 12 of the Los Angeles City CEQA Guidelines.
2. FIND that the private sale of the property located at 223 and 233 North King Avenue in Wilmington and interest in the abutting alley, as described in the February 4, 2011 Board report and attached to the Council file, is in the best interest of the Harbor Department as: a) the Board has previously found that the property is not needed for Harbor Department purposes on May 20, 2010; and b) no other bids or offers were received pursuant to surplus sale noticing requirements, as required under California Government Code Section 54220, the Los Angeles City Charter, and Los Angeles Administrative Code, Division 7, Article IV.
3. FIND that the public interest allows the private sale of the Subject Property to State Fish Company based on both: a) improved services to existing fishery-related tenants of the Harbor Department; and b) the increase in permanent jobs and tax revenue to the City of Los Angeles, which would result from State Fish Company's use of the property, as described in the February 4, 2011 Board report, attached to the Council file, in connection with the redevelopment of its existing facility.
4. APPROVE the Purchase and Sale Agreement No. 11-2936 with State Fish Company authorizing the private sale of the Subject Property to State Fish Company for the estimated amount of \$355,000; the exact amount is subject to prorates incurred in escrow, per the terms of the Purchase and Sale Agreement.

5. PRESENT and ADOPT the accompanying ORDINANCE approving Order No. 11-7070 for a Grant Deed for real property commonly known as 223 and 233 North King Avenue, Wilmington, California.
6. AUTHORIZE the Executive Director to execute Purchase and Sale Agreement No. 11-2936 and the Board Secretary to attest to said Permit upon approval by City Council.
7. ADOPT Order No. 11-7070.

Fiscal Impact Statement: The Harbor Department reports that it acquired 223 and 233 North King Avenue in Wilmington at an estimated cost of \$213,150. The proposed sale will increase the Harbor Department's cash flow by \$353,000 (net of approximately \$2,000 in closing costs), increase net assets by \$139,850 (\$353,000-\$213,150) and be reflected in current fiscal year income as a \$139,850 gain on the sale of assets. The Harbor Department has not performed any maintenance at these locations other than to erect fencing at a cost of \$2,737.

Community Impact Statement: None submitted.

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

**Roll Call #7 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)
(Item Nos. 16a-19)**

ITEM NO. (16) - ADOPTED

11-0005-S142

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 February 23, 2011:

11-0005-S142

CD 13

- a. Property at 4367 West Oakwood Avenue (Case No. 3435).
Assessor I.D. No. 5521-022-009

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 6, 2001)

11-0005-S143

CD 9

- b. Property at 117 East 47th Place (Case No. 96736).
Assessor I.D. No. 5109-002-002

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 8, 2007)

ITEM NO. (17) - ADOPTED

[10-1133](#)

COMMUNICATION FROM CHAIR, ARTS, PARKS, HEALTH AND AGING COMMITTEE relative to the proposed donation agreement between the City and the Los Angeles Parks Foundation (LAPF) for the refurbishment of the Griffith Park Commonwealth Nursery Center.

Recommendation for Council action:

APPROVE and AUTHORIZE the President and Secretary of the Board of Recreation and Park Commissioners to execute the proposed donation agreement between the City and the Los Angeles Parks Foundation relative to the refurbishment of the Griffith Park Commonwealth Nursery Center, subject to the approval of the City Attorney.

Fiscal Impact Statement: The City Administrative Officer reports that LAPF will use Proposition 84 grant funds for the refurbishment of the Griffith Park Nursery Center. The Los Angeles Department of Recreation and Parks cannot determine the operation and maintenance cost of the facility at this time. Funding for the operation and maintenance, should the improvements be completed, is subject to future appropriation by Mayor and Council through the regular budget process. To the extent applicable, the recommendation above complies with the City Financial Policies in that one-time revenues will be used for one-time expenditures.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 8, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 8, 2011)

ITEM NO. (18) - ADOPTED

[05-2106-S1](#)

COMMUNICATIONS FROM THE BOARD OF WATER AND POWER COMMISSIONERS relative to proposed Amendment No. 1 to Agreement No. 47955 with MBC Applied Environmental Sciences, Inc. for receiving water monitoring services.

Recommendation for Council action:

CONCUR with the Board of Water and Power Commissioners' (Board) action of January 4, 2011, Resolution No. 011-171 authorizing the execution of Amendment No. 1 to Agreement No. 47955 with MBC Applied Environmental Sciences, Inc. for receiving water monitoring services as detailed in the Board's January 5, 2011 report, attached to the Council file.

Fiscal Impact Statement: None submitted by the Board.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH, 13, 2011

(LAST DAY FOR COUNCIL ACTION - MARCH 9, 2011)

(Energy and Environment Committee waived consideration of the above matter)

ITEM NO. (19) - ADOPTED - FORTHWITH

[09-1914-S1](#)

COMMUNICATION FROM THE OFFICE OF FINANCE relative to a proposed contract with Charles Swenson, PhD, CPA for the review and analysis of revisions to the Los Angeles business tax as proposed by the Business Tax Advisory Committee (BTAC).

Recommendations for Council action:

1. AUTHORIZE the Director of Finance to execute a contract with Charles Swenson, PhD, CPA to review and analyze proposed changes to the City's business tax as proposed by the BTAC in amount not to exceed \$50,000.
2. IDENTIFY a source of funding to be transferred to the Office of Finance Contractual Services account in the amount of \$50,000 to fund the contract as detailed above in Recommendation No. 1 and the February 17, 2011 Office of Finance report, as attached to the Council file.

Fiscal Impact Statement: None submitted

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (20) - CONTINUED TO MARCH 22, 2011

Roll Call #5 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Parks, Rosendahl and Smith (4)

[08-3343](#)

CD 13

CONTINUED CONSIDERATION OF CATEGORICAL EXEMPTION and COMMUNICATION FROM THE CITY ENGINEER relative to vacating the Lake Shore Avenue southerly of Montana Street (VAC E1401134).

Recommendations for Council action:

1. FIND that the vacation of the Lake Shore Avenue southerly of Montana Street is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit B of the August 27, 2010 City Engineer report and attached to the Council file:

A portion of the northwesterly side of Lake Shore Avenue from Montana Street to approximately 190 feet southwesterly thereof.

3. ADOPT the FINDINGS of the City Engineer dated August 27, 2010, as the Findings of the Council.
4. ADOPT the accompanying City Engineer report dated August 27, 2010 to approve the vacation.
5. INSTRUCT the City Clerk to set a public hearing date for **MARCH 9, 2011**.

Fiscal Impact Statement: The City Engineer reports that to date, the petitioner has paid a fee of \$10,700 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code may be required of the petitioner. Maintenance of the public easement by City Forces will be eliminated.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

(Continued from Council meeting of February 23, 2011)

**Roll Call #7 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)
(Item Nos. 21-22)**

ITEM NO. (21) - ADOPTED

[11-0071](#)
CD 12

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 10654 North Balboa Boulevard pursuant to Los Angeles Municipal Code Section 12.37 (Highway Dedication Ordinance).

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class Five of the City's Environmental Guidelines.
2. FIND that this acceptance of the irrevocable Offer of Dedication of land is in substantial conformance with the General Plan pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated January 17, 2011 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 10654 North Balboa Boulevard.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,883.65 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,695 and a seven percent surcharge in the amount of \$188.65 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (22) - ADOPTED

[11-0072](#)
CD 12

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to dedicating land for public street purposes for land located along 9740 North Zelzah Avenue pursuant to Los Angeles Municipal Code Section 12.37 (Highway Dedication Ordinance).

Recommendations for Council action:

1. FIND that this project is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class Five of the City's Environmental Guidelines.
2. FIND that this acceptance of the irrevocable Offer of Dedication of land is in substantial conformance with the General Plan pursuant to Sections 556, 558, and 559 of the Los Angeles City Charter.
3. ADOPT the City Engineer report dated January 17, 2011 and the accompanying RESOLUTION OF ACCEPTANCE of Irrevocable Offer of Dedication of land located along 9740 North Zelzah Avenue.
4. AUTHORIZE the Real Estate Section, Bureau of Engineering, to record the Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: The City Engineer reports that the applicant has paid a Dedication Fee in the amount of \$2,883.65 for processing this Irrevocable Offer of Dedication. This includes a fee to provide for the cost of processing the real estate transfer documents in the amount of \$2,695 and a seven percent surcharge in the amount of \$188.65 in accordance with Sections 12.37 and 61.03 of the Los Angeles Municipal Code respectively. No additional funds will be required from the General Fund for the processing of this request.

ITEM NO. (23) - CONTINUED TO MARCH 23, 2011

Roll Call #6 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Parks, Rosendahl and Smith (4)

[11-0109](#)

CONTINUED CONSIDERATION OF MOTION (GARCETTI - KORETZ - ET AL.) relative to feasibility and legality of banning the open carry of handguns in the City.

Recommendation for Council action:

REQUEST the City Attorney to report on the feasibility and legality of banning the open carry of handguns in the City.

(Continued from Council meeting of February 9, 2011)

ITEM NO. (24) - ADOPTED

Roll Call #7 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

[11-0011-S7](#)

CD 3

MOTION (ZINE - REYES) relative to funding for maintaining and enhancing various street and public infrastructure projects in Council District Three.

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

1. TRANSFER \$166,000 in the Council District Three portion of the Street Furniture Revenue Funds No. 43D/50 and \$166,000 in the Council District Three portion of the Special Events Fee Subsidy line item in the General City Purposes Fund No. 100/56 (Total: \$332,000) to the below named accounts and in the amounts specified in the Street Fund No. 100/86, for maintaining and enhancing various street and public infrastructure projects in Council District Three:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
1010	Salaries, General	\$ 200,000
1100	Hiring Hall Salaries	4,000
3030	Construction Expense	74,000
3040	Contractual Services	32,000
6020	Operating Supplies	<u>22,000</u>
	Total	\$ 332,000

2. AUTHORIZE the Bureau of Street Services to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion.

ITEM NO. (25) - MOTION ADOPTED IN OPEN SESSION, ADDITIONAL MOTION ADOPTED - SEE FOLLOWING

Roll Call #20 - Adopted in Open Session, Ayes (10); Absent: Alarcón, Huizar, LaBonge, Parks and Smith (5)

[11-0290](#)

MOTION (GARCETTI - REYES) relative to requesting the City Attorney to discuss with the City Council, in Closed Session if needed, the matter of the City's involvement with Advanced Development & Investment Inc. (ADI).

Recommendation for Council action:

REQUEST the City Attorney to discuss with the City Council, in Closed Session if needed, the matter of the City's involvement with ADI and any subpoenas issued by the City to ADI in order to obtain documentary evidence on this matter.

(Council may recess to Closed Session pursuant to Government Code 54956.9(c) in order to confer with legal counsel regarding initiation of litigation in this matter.)

ADOPTED

MOTION (GARCETTI - REYES)

Recommendation for Council action:

ADOPT the Los Angeles Housing Department investigation involving ADI and others.

ITEM NO. (26) - ADOPTED

Roll Call #7 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

[11-0291](#)

MOTION (LABONGE - GARCETTI) relative to funding for services in connection with the Mayor's special reception for the Los Angeles City College 10,000 Small Businesses Program in the City Hall Tom Bradley Room on February 22, 2011.

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

APPROPRIATE \$348 from the Unappropriated Balance Fund No. 100/58 to the General Services Fund No. 100/40, as follows: \$174 to Account No. 1090 (Salaries - Overtime) and \$174 to Account No. 1070 (Salaries - As Needed), for services in connection with the February 22, 2011 Mayor's special reception for the Los Angeles City College 10,000 Small Businesses Program in the City Hall Tom Bradley Room - said funds to be reimbursed to the General Fund by the Los Angeles City College 10,000 Small Businesses Program.

ITEM NO. (27) - ADOPTED

Roll Call #19 - Adopted, Ayes (10); Absent: Alarcón, Huizar, LaBonge, Parks and Smith (5)

[09-2540-S2](#)

CD 9

MOTION (PERRY - REYES) relative to requesting the Chief Legislative Analyst (CLA) with assistance from the City Planning Department and City Attorney to report to the City Council on the project status of the Wilshire Grand Hotel.

Recommendations for Council action:

1. REQUEST the CLA with assistance from the City Planning Department and City Attorney, as needed, to report to the full City Council on the project status of the Wilshire Grand Hotel and if there is a need for outside resources, to be paid by the developer to finish this project.

2. REQUEST the CLA to provide the Planning and Land Use Management Committee and the full City Council a project update within five days and that report specifically provide feedback if outside counsel should be engaged.

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

Roll Call #11 - to Adopt as Amended, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

[11-0002-S19](#)

RESOLUTION (GARCETTI - ROSENDAHL - ZINE - ET AL.) relative to the City's position in connection with legislation or administrative action which would uphold the collective bargaining rights of workers in the State of Wisconsin.

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

RESOLVE to include in the City's 2011-12 Federal Legislative Program SPONSORSHIP and/or SUPPORT for legislation or administrative action which would uphold the collective bargaining rights of workers in the State of Wisconsin.

ADOPTED

AMENDING MOTION (GARCETTI - ROSENDAHL)

Recommendation for Council action:

REQUEST the Mayor and DIRECT the Chief Legislative Analyst to work with the City's legislative representatives to send a copy of Resolution (Garcetti - Rosendahl - Zine - et al.) to America's 10 largest cities.

Item for Which Public Hearing Has Been Held - Item 29

ITEM NO. (29) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #17 - to Adopt as Amended, Ayes (10); Absent: Alarcón, Huizar, LaBonge, Parks and Smith (5)

[11-0218](#)

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT relative to proposed reductions in the number of cell phones issued by the City and proprietary departments.

Recommendations for Council action, as initiated by Motion (Zine - Garcetti):

1. INSTRUCT the City Administrative Officer (CAO) to report prior to implementation of any cuts in cell phone issuance, to ensure that penalties (if any) and any other charges for early termination of service will not exceed the projected savings.
2. INSTRUCT the CAO and the Information Technology Agency to report on whether savings can be realized through renegotiation on cell phone contracts or plans.

3. INSTRUCT the CAO, with the assistance of any relevant departments, to report prior to implementation of any cuts in cell phone issuance, on the following issues:
 - a. Overview of the number of cell phones and amount of usage in dollars over a several year period
 - b. Explore whether shared costs is an option with employees as opposed to the loss of the cell phone
 - c. Review any employee relation issues relating to the use of cell phones especially in relation to job assignment
 - d. Incorporate information and findings from the Controller's ongoing audit on cell phone usage
 - e. Impact on City's utility tax if a sudden significant drop in usage of cell phones occurs

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

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (ZINE - CARDENAS)

ADOPT the following recommendations 1 and 2 IN LIEU of recommendations 1 and 2 contained in the report and to add issue "f" to recommendation No. 3, as follows:

Recommendation for Council action:

1. **INSTRUCT CAO to work with the City Departments to immediately implement a 10 percent reduction in each department on the number of cell phones, exempting public safety: Police, Fire, General Services and Emergency Management departments, and to report in 90 days on the savings achieved.**
2. **INSTRUCT CAO and ITA to work with all departments to immediately start to renegotiate all of their cell phone contracts and plans and to report in 90 days on the progress of this effort.**
3. **ADD: (f) Report where the City would incur any penalties, if any, in reducing and/or eliminating cell phones beyond 10 percent.**

Items for Which Public Hearings Have Not Been Held - Items 30-31

(10 Votes Required for Consideration)

ITEM NO. (30) - ADOPTED - ORDINANCE OVER ONE WEEK TO MARCH 9, 2011

Roll Call #14 - Adopted, Ordinance Over One Week, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

09-0235

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to establishing a reward offer for information leading to the arrest and conviction of individuals who assault or shoot off-duty City of Los Angeles police officers.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Sections 19.121 and 19.123 of Article 1 of Chapter 12 of the Los Angeles Administrative Code to provide for reward offers for information leading to the arrest and conviction of individuals who assault or shoot off-duty City of Los Angeles police officers, and to establish the maximum sum of \$100,000 for reward offers when the victims are Public Safety personnel of the City of Los Angeles.

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.

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (31) - ADOPTED

Roll Call #8 - Adopted, Ayes (11); Absent: Alarcón, LaBonge, Parks and Smith (4)

11-0005-S121

CD 1

CONTINUED CONSIDERATION OF RESOLUTION removing the property at 232 South Avenue 19 (Case No. 250372) from the Rent Escrow Account Program, Assessor I.D. No. 5447-024-017.

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 22, 2009)

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

10-0010-S35

MOTION (GARCETTI - KORETZ) relative to reinstating the reward offer in the death of Ila Ali Packman for an additional six months.

[11-0010-S14](#)

MOTION (HAHN - CARDENAS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the hit-and-run death of Angelica Jimenez on February 14, 2011.

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

[11-0312](#)

RESOLUTION (ROSENDAHL - HAHN) relative to declaring March 22, 2011 as Singapore Airlines Day in the City of Los Angeles.

[11-0313](#)

RESOLUTION (GARCETTI - PERRY) relative to declaring April 10, 2011 as Walk for Kids Day in the City of Los Angeles.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

11-0004	Vance S. Bjorklund	Zine - Krekorian for Smith
	Paul Von Lutzow	Zine - Krekorian for Smith
	Zubin Mehta	Garcetti - LaBonge
	Penélope Cruz	Garcetti - LaBonge
	Mei-Chen "Margaret" Lee	Garcetti - All Councilmembers

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

11-0003	John Louis Reynolds	Hahn
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Alarcón, Cárdenas, Hahn, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl, Wesson, Zine and President Garcetti (10); Absent: Alarcón, Huizar, LaBonge, Parks and Smith (5)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL