

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **March 23, 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, Koretz, Parks, Perry, Rosendahl, Smith, Wesson, Zine and President Garcetti (10); Absent: Alarcón, Huizar, Krekorian, LaBonge and Reyes (5)**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
MARCH 18, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 11

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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 1-5**

**ITEM NO. (1) - PUBLIC HEARING CLOSED - ADOPTED**

**Roll Call #7 - Adopted, Ayes (13); Absent: Huizar and Reyes (2)**

[10-1975](#)

HEARING APPEALS and ORDINANCE FIRST CONSIDERATION relative to the proposed 2011 Annual Weed and Brush Abatement Program.

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

PRESENT and ADOPT the accompanying ORDINANCE authorizing and ordering the removal of weeds, rubbish, refuse and/or dirt upon certain streets, sidewalks, parkways and/or are on or in front of certain private properties in the City of Los Angeles, which are a public nuisance as set forth in the 2011 Ordinance of Intention No. 181517 adopted by the Council on January 5, 2011.

(Communication from the City Attorney and Ordinance of Intention adopted on January 5, 2011)

**Roll Call #1 - Adopted, Ayes (11); Absent: Alarcón, Huizar, LaBonge and Reyes (4)  
(Item Nos. 2-5)**

**ITEM NO. (2) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED**

[02-1982](#)

CD 13

HEARING PROTESTS relative to the vacation of the alley westerly of Vermont Avenue from First Street to approximately 345 feet northerly thereof (VAC E1400823).

(Categorical exemption, Public Works Committee report and Findings adopted on February 16, 2011)

**ITEM NO. (3) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED**

[02-2839](#)

CD 1

HEARING PROTESTS relative to the vacations of Miramar Street and Third Street (air space) Vacation District (VAC E1400841).

(Categorical exemption, Public Works Committee report and Findings adopted on February 16, 2011)

**ITEM NO. (4) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED**

[03-1014](#)

CD 13

HEARING PROTESTS relative to the vacation of Lorna Drive from Second Street to 440 feet southwesterly of Beverly Boulevard and Second Street from Crown Hill Avenue to Lorna Drive (VAC E1400857).

(Categorical exemption, Public Works Committee report and Findings adopted on February 16, 2011)

**ITEM NO. (5) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED**

[05-2635](#)

CD 1

HEARING PROTESTS relative to the vacation of the Belmont Learning Center Vacation District in connection with construction of Central Los Angeles High School No. 11 (VAC E1400976).

(Final Environmental report, Public Works Committee report and Findings, as amended, adopted on February 16, 2011)

## Items for Which Public Hearings Have Been Held - Items 6-9

### ITEM NO. (6) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #10 - to Adopt as Amended, Ayes (12); Absent: Cárdenas, Huizar and Reyes (3)

#### 10-0600-S60

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to the Third Financial Status Report for Fiscal Year 2010-11.

(Budget and Finance 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, AS AMENDED

**BUDGET AND FINANCE COMMITTEE REPORT** relative to the Third Financial Status Report for Fiscal Year (FY) 2010-11.

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

1. **APPROVE** the recommendations of the City Administrative Officer (CAO) contained in the Third Financial Status Report, dated March 18, 2011, and the CAO's technical corrections included on the replacement report pages and attachments dated March 21, 2011, attached to the Committee report.
2. **INSTRUCT** the CAO to report back on the status of Planning Department fees including the percentage of cost recovery in relation to single-family dwelling transactions.
3. **AMEND** the CAO Recommendation No. 23 to **DIRECT** the Los Angeles Police Department to complete police hiring for the April class currently in progress and require any additional police hiring this fiscal year to be contingent upon prior Council approval, a start date of July 1, 2011, or later, and under the new pension tier recently approved by voters.
4. **INSTRUCT** the CAO to report back with options for funding the General Fund portion of costs needed to exempt Bureau of Street Services positions from furloughs.
5. **DIRECT** the Bureau of Street Services to report back on the status of the Silver Strand/Venice area of the City.
6. **AMEND** the CAO Recommendation No. 41(d) to **REQUEST** the City Attorney to prepare and present an ordinance to amend Section 5.117 of the Los Angeles Administrative Code to exempt from the Special Parking Revenue Fund (SPRF) repayment requirement the transfer of up to \$11M from the SPRF to the Reserve Fund in FY 2010-11.

7. AUTHORIZE the Controller to TRANSFER \$150,000 within Council Fund 100/28, from Salaries General Account No. 1010 to Printing and Binding Account No. 2120.
8. AUTHORIZE the Controller to TRANSFER the following amounts to Council Fund 100/28, Salaries As Needed Account No. 1070:
  - a. Real Property Trust Fund 697/14, Council District (CD) 15 - \$84,204
  - b. Street Furniture Fund 43D/50, CD 15 - \$143,189
9. AUTHORIZE the Controller to TRANSFER \$50,000 from the CLARTS Community Amenities Trust Fund 47S to General City Purposes, Council District Community Services 100/56, Account No. 0714.
10. AUTHORIZE the Controller to TRANSFER the following amounts to Council Fund 100/28, Salaries As Needed Account No. 1070:
  - a. CLARTS Community Amenities Trust Fund 47S, CD 14 - \$200,000
  - b. Street Furniture Fund 43D/50, CD 14 - \$100,000
11. APPROVE technical corrections, relative to previously approved Council actions concerning developer reimbursement of City costs for financial analysis of proposed projects (Council files 09-2540-S1 and 11-0023-S1), to AUTHORIZE the Controller to appropriate said reimbursements funds to Council Fund 100/28, Contractual Services Account No. 3040.

**Fiscal Impact Statement:** The CAO reports that the previously reported deficit of \$54.5 million has decreased by \$7.7 million reflecting revised projections for revenue and expenditures. The deficit of \$46.8 million consists of \$27.1 million surplus in departmental and non-departmental account appropriations and \$73.9 million shortfall in budgeted revenue. Transfers, appropriations and other adjustments totaling approximately \$210.8 million are recommended in Sections 1 and 2 of the CAO report, which include recommendations that, if approved, will reduce the citywide deficit to \$4.1 million.

**Community Impact Statement:** None submitted.

**ADOPTED**

**AMENDING MOTION (GARCETTI - PARKS)**

**Recommendations for Council action:**

1. AMEND Recommendation No. 1 of the Budget and Finance Committee report by substituting the City Administrative Officer line item in Attachment 10 with the following language:

<u>Department</u>	<u>Appropriate From:</u>	<u>Appropriate To:</u>	<u>Amount</u>
City Administrative Officer ERD Contractual Services/ Revenue Enhancements	<u>Fund 100/58</u> <u>Unappropriated Balance</u> 0254, Budget Balancing Bridge	<u>Fund 100/10, CAO</u> 3040, Contractual Services	\$350,000

2. AUTHORIZE the City Administrative Officer to award and execute a contract for revenue enhancement services.

**REFERRED TO BUDGET AND FINANCE COMMITTEE**

**MOTION (ZINE - LABONGE)**

**Recommendation for Council action:**

**TRANSFER \$1.8 million from the City Attorney Consumer Protection Trust Fund to its General Salaries Account No. 1010.**

**ITEM NO. (7) - CONTINUED TO MARCH 29, 2011**

**Roll Call #2 - Adopted to Continue, Unanimous Vote (11); Absent: Alarcón, Huizar, LaBonge and Reyes (4)**

[11-0171](#)

CONTINUED CONSIDERATION OF INFORMATION TECHNOLOGY AND GOVERNMENT AFFAIRS COMMITTEE REPORT relative to restricting the sale and use of bath salts containing the synthetic drugs (mephedrone and methylenedioxypyrovalerone or MDPV) which are being used as legal alternatives to cocaine and meth.

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

1. DIRECT the Chief Legislative Analyst (CLA) to report regarding legislation in other jurisdictions restricting the sale of these bath salts completely and/or based upon age, manner of sale and/or other reasons.
2. REQUEST the City Attorney to draft an ordinance based on the consideration of these facts to outlaw and/or restrict the sale and use of these designer drugs in the City of Los Angeles.

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

Community Impact Statement: None submitted.

(Continued from Council meeting of March 9, 2011)

**Roll Call #3 - Adopted, Ayes (12); Absent: Huizar, LaBonge and Reyes (3)  
(Item Nos. 8-9)**

**ITEM NO. (8) - ADOPTED**

[09-0694](#)

CD 5

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 105.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 105, 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. 105, along Casiano Road near Stephen S. Wise Elementary School, still exist and that no permanent solutions are available to be implemented at this time.
3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 105, for 12 months, until April 8, 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. 105. 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. (9) - ADOPTED**

[11-0318](#)

CD 12

CATEGORICAL EXEMPTION, TRANSPORTATION COMMITTEE REPORT, and RESOLUTION relative to the renewal of Temporary Preferential Parking District (PPD) No. 144.

Recommendations for Council action:

1. FIND that the renewal of Temporary PPD No. 144, 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. 144, for the neighborhood south of Encino Franklin Fields on Oxnard Street at Louise Avenue, still exist and that no permanent solutions are available to be implemented at this time.
3. ADOPT the accompanying RESOLUTION renewing Temporary PPD No. 144, for 12 months, until April 1, 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. 144. 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 10-14**

(10 Votes Required for Consideration)

**Roll Call #5 - Adopted, Ayes (12); Absent: Huizar, LaBonge and Reyes (3)**  
**(Item Nos. 10-12, 13a-13e)**

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

[11-0383](#)

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Kling Street and Radford Avenue Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 7, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **JUNE 1, 2011** as the hearing date for the maintenance of the Kling Street and Radford Avenue Lighting District, in accordance with Proposition 218, Articles XIIC and XIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$819 will be collected annually starting with tax year 2011-12 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: May 25, 2011)

### **ITEM NO. (11) - ADOPTED**

[11-0384](#)

CD 2

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Bellingham Avenue and Archwood Street No. 1 Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 8, 2011.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **JUNE 1, 2011** as the hearing date for the maintenance of the Bellingham Avenue and Archwood Street No. 1 Lighting District, in accordance with Proposition 218, Articles XIII C and XIII D of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$1,863.24 will be collected annually starting with tax year 2011-12 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: May 25, 2011)

## ITEM NO. (12) - ADOPTED

[11-0396](#)

CD 4

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Magnolia Boulevard and Riverton Avenue Lighting District.

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

1. ADOPT the report of the Director, Bureau of Street Lighting, dated March 9, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **JUNE 1, 2011** as the hearing date for the maintenance of the Magnolia Boulevard and Riverton Avenue Lighting District, in accordance with Proposition 218, Articles XIII C and XIII D of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, \$812.18 will be collected annually starting with tax year 2011-12 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: May 25, 2011)

## ITEM NO. (13) - ADOPTED

[11-0005-S165](#)

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 March 16, 2011:



[11-0005-S165](#)

CD 13

- a. Property at 744 North Hyperion Avenue (Case No. 304395).  
Assessor I.D. No. 5427-011-024

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on December 23, 2010)

[11-0005-S166](#)

CD 1

- b. Property at 1328 West Kellam Avenue (Case No. 285541).  
Assessor I.D. No. 5405-017-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on July 15, 2010)

[11-0005-S167](#)

CD 14

- c. Property at 2814 North Eastern Avenue (Case No. 263936).  
Assessor I.D. No. 5217-002-006

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on March 18, 2010)

[11-0005-S168](#)

CD 5

- d. Property at 1518 South Wooster Street (Case No. 308940).  
Assessor I.D. No. 4303-002-027

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 4, 2010)

[11-0005-S169](#)

CD 1

- e. Property at 1418 South Berendo Street (Case No. 255813).  
Assessor I.D. No. 5075-003-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on January 21, 2010)

**ITEM NO. (14) - CONTINUED TO MARCH 30, 2011**

**Roll Call #4 - Adopted to Continue, Unanimous Vote (12); Absent: Huizar, LaBonge and Reyes (3)**

[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 March 2, 2011)

## **Closed Session - Item 15**

### **ITEM NO. (15) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION**

#### 11-0138-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 Saundra Carter, et al. v. City, Los Angeles Superior Court Case No. BC 363305. (This case arises out of the City's construction of curb ramps.)

(Budget and Finance Committee to consider the above matter in Closed Session on March 23, 2011)

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

#### 11-0468

MOTION (HAHN - LABONGE) and RESOLUTON relative to authorizing the Community Redevelopment Agency (CRA) to apply for a Caltrans FY 2011-12 "Environmental Justice: Context-Sensitive Planning" grant for the "Wilmington Sustainable Transportation Plan."

#### 11-0469

MOTION (SMITH - ROSENDAHL) relative to funding to execute a contract with the non-profit Granada Hills Improvement Association with the purpose of median maintenance and community improvements in Council District 12.

#### 11-0467

MOTION (SMITH - PERRY) relative to installing street banners to show support for Chatsworth High School.

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

#### 11-0462

RESOLUTION (WESSON - GARCETTI) relative to declaring March 2011 as National Nutrition Month in the City of Los Angeles.

#### 11-0466

RESOLUTION (GARCETTI - PERRY for REYES - ET AL.) relative to declaring March 24, 2011 as The Day of Remembrance of Archbishop Oscar A. Romero of El Salvador in the City of Los Angeles.

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

Upon his request, and without objections, Councilmember Cárdenas was excused to leave at 12:15 p.m. from Council Session of Wednesday, March 30, 2011, due to City Business.

Upon his request, and without objections, Councilmember Zine was excused to leave at 11:30 a.m. from Council Session of Wednesday, April 6, 2011, due to City Business.

Upon his request, and without objections, Councilmember Rosedahl was excused to leave at 11:30 a.m. from Council Session of Friday, April 15, 2011, due to City Business.

Upon his request, and without objections, Councilmember Huizar was excused from Council Sessions of Tuesday, June 28, 2011, Wednesday, June 29, 2011, Friday, July 1, 2011 and Tuesday, July 5, 2011 all due to Personal Business.

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

<a href="#">11-0004</a>	St. Paul the Apostle School	Koretz - Rosendahl
	Betty McMahon Hawkins	LaBonge - Garcetti - All Councilmembers
	Dan G. Butcher - Firefighter III	LaBonge - Hahn - All Councilmembers

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

<a href="#">11-0003</a>	Edward Montgomery	Parks
	Elizabeth Taylor	LaBonge - Rosendahl - Hahn - All Councilmembers

Councilmember Perry moved, seconded by Councilmember Parks, that the Council meeting adjourn, due to the lack of a quorum.

**Alarcón, Hahn, Koretz, LaBonge, Parks, Perry, Rosendahl and Zine (8); Absent: Cárdenas, Huizar, Krekorian, Reyes, Smith, Wesson and President Garcetti (7)**

**Whereupon the Council did adjourn.**

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL

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Regular meeting recessed at 10:15 am  
Special meeting convened at 10:15 am  
Special meeting adjourned at 10:19 am  
Regular meeting convened at 10:19 am