

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **October 12, 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: Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Rosendahl, Zine and President Garcetti (10); Absent: Alarcón, Cárdenas, Reyes and Wesson (4)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 7, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

Items Noticed for Public Hearing - Items 1-5

Adopted to Continue, Ayes (12); Absent: Alarcón and Reyes (2)
(Item Nos. 1-3)

ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON NOVEMBER 2, 2011

[11-1258](#)

CD 13

HEARING PROTESTS against the proposed improvement and maintenance of the Madison Avenue and Middlebury Street Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on August 10, 2011 - Continue hearing and present Ordinance on November 2, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 2, 2011**

[11-1259](#)

CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the La Tijera Boulevard and Thornburn Street Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the La Tijera Boulevard and Thornburn Street Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on August 10, 2011 - Continue hearing and present Ordinance on November 2, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 2, 2011**

[11-1260](#)

CDs 6 & 12

HEARING PROTESTS against the proposed improvement and maintenance of the Louise Avenue and Saticoy Street Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on August 10, 2011 - Continue hearing and present Ordinance on November 2, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (4) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 2, 2011**

Adopted to Continue, Ayes (13); Absent: LaBonge (1)

[11-1298](#)

CD 13

HEARING PROTESTS against the proposed improvement and maintenance of the Hollywood Boulevard and Argyle Avenue (North) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Hollywood Boulevard and Argyle Avenue (North) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on August 17, 2011 - Continue hearing and present Ordinance on November 2, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
ON NOVEMBER 2, 2011**

Adopted to Continue, Ayes (13); Absent: LaBonge (1)

[11-1298-S1](#)

CD 13

HEARING PROTESTS against the proposed improvement and maintenance of the Hollywood Boulevard and Argyle Avenue (South) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Hollywood Boulevard and Argyle Avenue (South) Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on August 10, 2011 - Continue hearing and present Ordinance on November 2, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

Items for Which Public Hearings Have Been Held - Items 6-17

**Adopted, Ayes (13); Absent: Reyes (1)
(Item Nos. 6-16)**

ITEM NO. (6) - ADOPTED

[11-1391](#)

PERSONNEL COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the establishment of two pay grades for the class of Port Warden.

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

1. PRESENT and ADOPT the accompanying ORDINANCE, dated September 21, 2011, amending Section 4.61, Chapter 2 of Division 4 of the Los Angeles Administrative Code to establish two pay grades for the class of Port Warden.
2. APPROVE the Letter of Agreement, attached to the Council file, to set the Port Warden I salary at Range 6037 and Port Warden II salary at Range 6378, effective July 1, 2011.

Fiscal Impact Statement: The City Administrative Officer reports that the annual salary cost for two Port Warden I positions is approximately \$313,000. The additional annual salary cost for Port Warden II is approximately \$5,000. The funding of these positions is an obligation of the Harbor Department. There is no impact to the General Fund.

Community Impact Statement: None submitted.

ITEM NO. (7) - ADOPTED

[10-0600-S58](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to outside counsel expenditures for the Fiscal Year (FY) 2010-11 as of October 31, 2010.

Recommendation for Council action:

NOTE and FILE the City Attorney's report relative to outside counsel expenditures for the FY 2010-11 as of October 31, 2010.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (8) - ADOPTED

[10-0600-S68](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to outside counsel expenditures for the Fiscal Year (FY) 2010-11 as of February 28, 2011 and April 30, 2011.

Recommendation for Council action:

NOTE and FILE the City Attorney's reports relative to outside counsel expenditures for the FY 2010-11 as of February 28, 2011 and April 30, 2011.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED

[10-0600-S74](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to outside counsel expenditures for the Fiscal Year (FY) 2010-11 as of June 30, 2011.

Recommendation for Council action:

NOTE and FILE the City Attorney's report relative to outside counsel expenditures for the FY 2010-11 as of June 30, 2011.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (10) - ADOPTED

[11-1594](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Jubilee Adult Day Health Care Inc.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$14,967.92 against property owned by Jubilee Adult Day Health Care Inc., pursuant to Los Angeles Municipal Code Section 21.15(o).

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

Community Impact Statement: None submitted.

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

ITEM NO. (11) - ADOPTED

[11-0070](#)

PERSONNEL COMMITTEE REPORT relative to amendments to the 2007-14 Memorandum of Understanding (MOU) for the Los Angeles Professional Managers Association.

Recommendation for Council action:

APPROVE Amendments 5 and 6 to MOU 36, as specified in the September 12, 2011 City Administrative Officer (CAO) report, attached to the Council file.

Fiscal Impact Statement: The CAO reports that Amendment 5 to MOU 36 is estimated to result in a cost of \$18,000 to the General Fund in Fiscal Year (FY) 2011-12, \$30,000 in FY 2012-13, and \$35,000 in FY 2013-14.

Community Impact Statement: None submitted.

ITEM NO. (12) - ADOPTED

[10-1396](#)

PERSONNEL COMMITTEE REPORT and RESOLUTION relative to the approval of Fiscal Year (FY) 2011-12 Unfreeze Resolution submitted in accordance with the Los Angeles Administrative Code (LAAC) Section 4.132.

Recommendation for Council action:

ADOPT the accompanying FY 2011-12 Unfreeze RESOLUTION, which identifies all positions that are required to remain vacant pursuant to the 2011-12 Adopted Budget as well as possible classification and pay grade issues that need to be evaluated after the positions become vacant.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (13) - ADOPTED

[11-0600-S144](#)

PERSONNEL COMMITTEE REPORT relative to substitute and in-lieu position authorities needed to fulfill the intent of the Council action on the Fiscal Year (FY) 2011-12 Budget.

Recommendation for Council action:

NOTE and FILE the September 23, 2011 report from the City Administrative Officer relative to substitute and in-lieu position authorities needed to fulfill the intent of the Council action on the FY 2011-12 Budget.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

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

[09-0513](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the selection of Absolute Towing - Hollenbeck Division, Inc., to serve as the Official Police Garage (OPG) providing standard duty towing and storage services for OPG Service Area 4 (Hollenbeck).

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

1. AUTHORIZE the President, Board of Police Commissioners, or designee, to negotiate and execute an OPG Towing and Storage Agreement with Absolute Towing - Hollenbeck Division, Inc., to serve as the OPG providing standard duty towing and storage services for OPG Hollenbeck.
2. DIRECT the Los Angeles Department of Transportation, in consultation with the Los Angeles Police Department (LAPD), to report with recommendations for allowing OPGs to accept payment of parking violation fines.

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

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[09-2109-S1](#)

CD 15

GENERAL EXEMPTION, TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to the first amendment to Foreign-Trade Zone general purposes operating agreement No. 09-2794 between the City of Los Angeles Harbor Department and NYK Logistics (Americas) Inc., Site 9B.

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 Resolution No. 11-7164 authorizing the proposed first amendment to Foreign Trade Zone (FTZ) Operator Agreement No. 09-2794 with NYK Logistics (Americas) Inc. to legally change its company name from NYK Logistics to the new company of Yusen Logistics (Americas) and relocate its operations from FTZ Site 98 to FTZ Site 11A consisting of a term of five years with two, five-year renewal options, for a total of 20 years.
3. CONCUR with the Board of Harbor Commissioners action (Board) of August 4, 2011.

Fiscal Impact Statement: The City Administrative Officer reports that Yusen Logistics (Americas) (YLA) will continue to pay the Harbor Department (Port) \$5,000 in fees each year, as authorized in the original contract, during each five years of the agreement and in every subsequent two, five-year term, for a total compensation of \$100,000 for the overall 20-year term of the agreement. There will be no additional cost to the Port. The proposed agreement with YLA will have no impact on the City General Fund. Funds will be deposited in the Harbor Revenue Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 21, 2011

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 18, 2011)

ITEM NO. (16) - ADOPTED

[11-1647](#)

CD 15

GENERAL EXEMPTION, TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to the first amendment to a personal services agreement between the City of Los Angeles Harbor Department (Port) and CH2M Hill, Inc. for the Sampson Way (Seventh Street to 22nd Street) Roadway Improvement Project.

Recommendations for Council action:

1. FIND that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

2. APPROVE Port Resolution No. 11-7172 authorizing the first amendment to Personal Services Agreement No. 08-2706 with the CH2M Hill, Inc., to provide planning and engineering services for the 7th Street to 22nd Street Roadway Improvement Project for an additional four years with an expiration date of September 2, 2015, with no additional increase in funding.
3. CONCUR with the Board of Harbor Commissioners action (Board) of August 4, 2011.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the first amendment to Port Agreement No. 08-2706 with CH2M Hill, Inc. will extend the term of the contract by four years, from September 2, 011 to September 2, 2015, for a total of seven years, to continue providing for planning and engineering services for the Sampson Way Roadway Improvement Project. The existing three-year contract includes a total compensation amount not to exceed \$4,987,768. The Port is requesting no additional compensation for the proposed contract amendment. This project complies with the adopted Financial Policies of the Port. The propose amendment will have no impact on the City General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 27, 2011

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 23, 2011)

ITEM NO. (17) - CONTINUED TO OCTOBER 18, 2011

Adopted to Continue, Unanimous Vote (12); Absent: Alarcón and Reyes (2)

11-1599

AUDITS AND GOVERNMENTAL EFFICIENCY and PERSONNEL COMMITTEES' REPORTS relative to amending Los Angeles Administrative Code (LAAC) Section 20.60.4 to require all City departments to report fraud, waste, and abuse.

A. AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE

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

1. REQUEST the City Attorney to prepare and present an Ordinance amending LAAC Section 20.60.4 to require all City departments to report fraud, waste, and abuse utilizing tougher language than currently under said LAAC section.
2. REQUEST the City Attorney to prepare and present an Ordinance amending Los Angeles Municipal Code (LAMC) Section 49.5.18 mandating that the Controller provide fraud, waste, abuse training, utilizing language similar to that in Recommendation No. 1.
3. REQUEST the Controller to work with the Personnel Department to develop online training for fraud, waste, and abuse.

4. REQUEST the Ethics Commission, with the assistance of the Personnel Department, to report back to the Audits and Governmental Efficiency Committee in regard to employee ethics training presented through the Personnel Department's Learning Management System.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

B. PERSONNEL COMMITTEE REPORT

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

1. CONCUR with recommendations one, three, and four contained in the Audits and Governmental Efficiency Committee report.
2. REQUEST the City Attorney to prepare and present an Ordinance amending LAAC Section 20.60.4 that deals with the Controller's Fraud Waste and Abuse Unit and to include language similar to that provided for ethics training in Los Angeles Municipal Code Section 49.5.18.

Fiscal Impact Statement: Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 18-39

(10 Votes Required for Consideration)

**Adopted, Ayes (14)
(Item Nos. 18-21)**

ITEM NO. (18) - ADOPTED

[11-1618](#)

CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Bestor Boulevard and Monument Street 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 September 21, 2011.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 14, 2011** as the hearing date for the maintenance of the Bestor Boulevard and Monument Street 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, \$445.57 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: December 7, 2011)

ITEM NO. (19) - ADOPTED

[11-1619](#)

CD 14

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Stanford Avenue and Eighth Street 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 September 21, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 14, 2011** as the hearing date for the maintenance of the Stanford Avenue and Eighth Street 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, \$2,349.38 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: December 7, 2011)

ITEM NO. (20) - ADOPTED

[11-1639](#)

CD 7

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Garber Street and San Fernando Road 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 September 27, 2011.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 14, 2011** as the hearing date for the maintenance of the Garber Street and San Fernando Road 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, \$6,617.87 will be collected annually starting with tax year 2012-13 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: December 7, 2011)

ITEM NO. (21) - ADOPTED

[11-1642](#)
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 Wilshire Boulevard and La Brea 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 September 22, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 14, 2011** as the hearing date for the maintenance of the Wilshire Boulevard and La Brea 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, \$5,829.22 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: December 7, 2011)

ITEM NO. (22) - ADOPTED

Adopted, Ayes (13); Absent: LaBonge (1)

[09-0002-S1](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 1998 (Brownley) which would ban single-use carryout bags and make available reusable carryout bags for purchase at supermarkets, retail pharmacies, and convenience stores.

Recommendation for Council action:

RECEIVE and FILE the Board of Public Works report relative to the City's position on AB 1998 (Brownley) which would ban single-use carryout bags and make available reusable carryout bags for purchase at supermarkets, retail pharmacies, and convenience stores throughout the state.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (23) - ADOPTED

Adopted, Ayes (13); Absent: LaBonge (1)

10-0002-S26

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 2256 (Huffman) which would prohibit products sold in California from being labeled as flushable unless it is biodegradable and disperses at the same rate as double-ply toilet paper when flushed down a low consumption toilet system.

Recommendation for Council action:

RECEIVE and FILE the Board of Public Works report relative to the City's position on AB 2256 (Huffman) which would prohibit products sold in California from being labeled as flushable unless it is biodegradable and disperses at the same rate as double-ply toilet paper when flushed down a low consumption toilet system.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Adopted, Ayes (14)

(Item Nos. 24-31)

ITEM NO. (24) - ADOPTED

10-0002-S30

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 1777 (Portantino) which would establish the Creative Industries and Economic Revitalization Act of 2010 to benefit the arts throughout the State.

Recommendation for Council action:

RECEIVE and FILE the Chief Legislative Analyst report and RESOLUTION (Garcetti - Krekorian - Rosendahl) relative to the City's position on AB 1777 (Portantino) which would establish the Creative Industries and Economic Revitalization Act of 2010 to benefit the arts throughout the State.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (25) - ADOPTED

[10-0002-S32](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 2581 (Bradford) which would establish a State Banking Development District program.

Recommendation for Council action:

RECEIVE and FILE RESOLUTION (Alarcón - Parks) relative to the City's position on AB 2581 (Bradford) which would establish a State Banking Development District program.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (26) - ADOPTED

[10-0002-S37](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on SB 1190 (Cedillo) which would enhance the effectiveness of illegal dumping enforcement by improving and streamlining the training for illegal dumping enforcement officers.

Recommendation for Council action:

RECEIVE and FILE the Board of Public Works report relative to the City's position on SB 1190 (Cedillo) which would enhance the effectiveness of illegal dumping enforcement by improving and streamlining the training for illegal dumping enforcement officers.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (27) - ADOPTED

[10-0002-S42](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 1834 (Solorio) which would establish the Rainwater Capture Act of 2010 to allow landowners to install, maintain, and operate systems to capture rainwater from impervious surfaces on their property.

Recommendation for Council action:

RECEIVE and FILE the Board of Public Works report relative to the City's position on AB 1834 (Solorio) which would establish the Rainwater Capture Act of 2010 to allow landowners to install, maintain, and operate systems to capture rainwater from impervious surfaces on their property, and would require landowners to comply with any local agency's existing programs to promote rainwater or stormwater capture.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (28) - ADOPTED

[10-0002-S49](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 2187 (Arambula) which would increase penalties for wage theft violations.

Recommendation for Council action:

RECEIVE and FILE the Chief Legislative Analyst (CLA) report and RESOLUTION (Alarcón - Reyes) relative to the City's position on AB 2187 (Arambula) which would increase penalties for wage theft violations.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (29) - ADOPTED

[11-0002-S24](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 38 (Bradford) which would create a State Banking Development District Program to encourage the establishment of bank branches in designated geographic locations where there is an underserved and unbanked community.

Recommendation for Council action:

RECEIVE and FILE the Chief Legislative Analyst report and RESOLUTION (Alarcón - Hahn) relative to the City's position on AB 38 (Bradford) which would create a State Banking Development District Program to encourage the establishment of bank branches in designated geographic locations where there is an underserved and unbanked community.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (30) - ADOPTED

[11-0002-S32](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE and RESOLUTION relative to the City's position supporting AB 400 (Ma) which would provide California workers with guaranteed paid sick days from their employer.

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

ADOPT the accompanying RESOLUTION to include in the City's 2011-12 State Legislative Program, SUPPORT for AB 400 (Ma) which would provide California workers with guaranteed paid sick days from their employer.

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.

ITEM NO. (31) - ADOPTED

[11-0002-S50](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 29 (Perez) that would create the State Office of Economic Development.

Recommendation for Council action:

RECEIVE and FILE RESOLUTION (Alarcón - Reyes) relative to the City's position on AB 29 (Perez) that would create the State Office of Economic Development.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (32) - ADOPTED - FORTHWITH

Adopted, Ayes (13); Absent: LaBonge (1)

[11-1644](#)

CD 14

CONSIDERATION OF MOTION (HUIZAR - ROSENDAHL) relative to establishing a railroad quiet zone along Valley Boulevard between Mission Road and the City boundary with Alhambra.

Recommendation for Council action:

DIRECT the Los Angeles Department of Transportation, in consultation with the Department of Public Works, to expeditiously prepare and submit the necessary documentation and application to the Federal Railroad Administration, to establish a railroad quiet zone along Valley Boulevard between Mission Road and the City boundary with Alhambra consistent with federal requirements for use of locomotive horns at highway crossings.

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.

(Transportation Committee waived consideration of the above matter)

ITEM NO. (33) - ADOPTED, AS AMENDED - SEE FOLLOWING

To Adopt as Amended, Ayes (11); Absent: Englander, Krekorian and Reyes (3)

[09-0234-S1](#)

CONSIDERATION OF RESOLUTION (ALARCON - ROSENDAHL - ET AL.) relative to the City's position to support the First Amendment Rights carried out by "Occupy Los Angeles" and addressing concerns regarding the Responsible Banking measure.

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

ADOPT the accompanying RESOLUTION to SUPPORT the continuation of the peaceful and vibrant exercise in First Amendment Rights carried out by "Occupy Los Angeles" and URGE the City Departments responsible for completing the implementation plan associated with the Responsible Banking measure (Council file No. 09-0234) that was approved by the Council on March 5, 2010, which would address some of the concerns of the "Occupy Los Angeles" demonstrators by demanding accountability and results from the Banks we invest taxpayer dollars in, to bring the Responsible Banking measure for a final vote to the Council by October 28, 2011.

Community Impact Statement: None submitted.

(Intergovernmental Relations Committee waived consideration of the above matter)

ADOPTED

MOTION (WESSON - ALARCON)

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

1. AMEND the 3rd paragraph on Page 3 as follows:

WHEREAS, on March 5th, 2010, the Los Angeles City Council unanimously passed the Responsible Banking measure, *currently under deliberation in the Budget and Finance Committee*, CF 09-0234 (Alarcon - Garcetti - Hahn - Parks - Reyes), which would create a Responsible Banking program for the City of Los Angeles, scoring financial institutions that the City pays to conduct City business along a Los Angeles-specific "Community Reinvestment Score" that measures the institution's Los Angeles investments in an objective, data-driven manner, for example, by measuring the amount of home loan modifications extended to Los Angeles homeowners, the amount and location of bank branches maintained throughout the City, and the amount of affordable housing dollars invested in the City; and

2. AMEND the 4th paragraph on Page 3 as follows:

WHEREAS, the Responsible Banking program, a practical approach to ensuring accountability, *currently under deliberation in the Budget and Finance Committee*, would

therefore provide an important financial incentive for banking institutions to 1) Invest more in our City and our citizens, particularly by stabilizing the housing market; 2) Provide our community development institutions and nonprofits with increased affordable housing funds, and 3) Provide incentive for additional economic development drivers to spur increased fair lending and equitable investment in Los Angeles, by leveraging a model similar to the federal Community Reinvestment Act;

3. AMEND the 5th paragraph/recommendations on Page 3 as follows:

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby stands in SUPPORT for the continuation of the peaceful and vibrant exercise in First Amendment Rights carried out by "Occupy Los Angeles" and urges the City Departments responsible for completing the implementation plan associated with the Responsible Banking measure (CF 09-0234) that was approved by the Council on March 5th, 2010, which would address some of the concerns of the "Occupy Los Angeles" demonstrators by demanding accountability and results from the Banks we invest taxpayer dollars in, to bring the Responsible Banking measure *to the Budget and Finance Committee for consideration on/by November 21, 2011 and to the Council later that week for a preliminary discussion* ~~for a final vote to the Council by October 28th, 2011.~~

ADOPTED

AMENDING MOTION (KREKORIAN - ALARCON)

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

RESOLVE to hereby **COMMEND** and **THANK** its law enforcement professionals and all involved city staff for their efforts in preserving the peace during the Occupy LA event for the fair treatment of all participants.

ITEM NO. (34) - ADOPTED

Adopted, Ayes (14)

[11-1676](#)

MOTION (KORETZ - ROSENDAHL - LABONGE) relative to requesting the City Attorney to prepare and present an ordinance to repeal Section 80.00(h) of the Los Angeles Municipal Code (LAMC).

Recommendations for Council action:

1. REQUEST the City Attorney to prepare and present an ordinance to repeal Section 80.00(h) of the LAMC so that the definition of "parkway" is consistent throughout the LAMC.
2. REQUEST the City Attorney to report in Closed Session and in accordance with the Brown Act on the status of apron parking as related to Section 42.00 and 80.00(h) of the LAMC.

ITEM NO. (35) - ADOPTED

Adopted, Ayes (14)

[11-1695](#)

CD 11

MOTION (ROSENDAHL - REYES) relative to funding to support community programs and groups in Council District 11.

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

1. TRANSFER \$130,000 in the Council District 11 portion of the Special Events Fee Subsidy line item in the General City Purposes Fund No. 100/56 to the Council District 11 portion of the Council Fund No. 100/28, Account No. 1010 (Salaries - General) to provide salary funding to support community programs and groups in Council District 11.
2. AUTHORIZE the Chief Legislative Analyst to make any technical corrections or clarifications to the above fund transfer instruction in order to effectuate the intent of this motion.

ITEM NO. (36) - ADOPTED - TO THE MAYOR FORTHWITH

Adopted, Ayes (11); Absent: Englander, Krekorian and Reyes (3)

[11-0010-S18](#)

MOTION (PARKS - PERRY) relative to reinstating the reward offer in the shootings of Lynette Warren, Edward Dent and Donna Allen for an additional six months.

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

REAFFIRM Council's findings and REINSTATE the reward offer relative to the shootings of Lynette Warren, Edward Dent and Donna Allen (Council action of March 29, 2011, Council file No. 11-0010-S18) for an additional period of six months [pursuant to Admin. Code Section 19.123(7)] from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$75,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (37) - ADOPTED

Adopted, Ayes (14)

[11-1697](#)

CD 15

MOTION (LABONGE - PERRY) relative to installing street banners to help beautify the Port of Los Angeles and to help identify the Port's boundaries.

Recommendations for Council action:

1. APPROVE the street banner program recognizing the Port of Los Angeles, as a City of Los Angeles Non-Event Street Banner Program, for the period of January 2012 to December 2012 and in accordance with Section 62.132 of the Municipal Code.
2. APPROVE the content of the street banner for the above specified event, as attached.

ITEM NO. (38) - ADOPTED - TO BE CONSIDERED ON OCTOBER 18, 2011 IN CLOSED SESSION

Adopted, Ayes (11); Absent: Englander, Krekorian and Reyes (3)

[08-0923-S16](#)

MOTION (HUIZAR - ENGLANDER) relative to requesting the City Attorney to appear before City Council in Closed Session to discuss Medical Marijuana Collectives Litigation, Los Angeles Superior Court (LASC) Case No. BC433942 (Lead Case) and all related actions.

Recommendation for Council action:

REQUEST the City Attorney to appear before the City Council in Closed Session, pursuant to Government Code Section 54956.9(a) in order to discuss Medical Marijuana Collectives Litigation, LASC Case No. BC433942 (Lead Case) and all related actions and City of Los Angeles et al. v. 420 Grand, et al., LASC Case No. BC444336, in light of the Pack decision, other applicable rulings, and the actions of the federal government.

ITEM NO. (39) - ADOPTED

Adopted, Ayes (14)

[11-1694](#)

RESOLUTION (ZINE for LABONGE - KREKORIAN) relative to declaring October 12, 2011 as Disability Mentoring Day in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE October 12, 2011 as Disability Mentoring Day in the City of Los Angeles.

Closed Sessions - Items 40-42

ITEM NO. (40) - NO ACTION TAKEN

[11-1589](#)

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 Barry Bowman v. Tommie Wyatt, Jr., Los Angeles Superior Court Case No.: BC 329390. (This lawsuit arises out of an accident that occurred on October 13, 2004, at Vanalden Avenue and Wilbur Avenue in the City of Los Angeles.)

(Budget and Finance Committee considered the above matter in Closed Session on October 3, 2011)

ITEM NO. (41) - MOTION ADOPTED IN OPEN SESSION

Adopted in Open Session, Ayes (14)

[11-1620](#)

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 Mehry Moazez v. City of Los Angeles, Los Angeles Superior Court Case No.: LC 093517. (This matter involves a personal injury incident which occurred on November 25, 2010.)

(Budget and Finance Committee considered the above matter in Closed Session on October 3, 2011)

ADOPTED

MOTION (PARKS - ENGLANDER)

Recommendation for Council action:

ADOPT the following recommendation of the City Attorney regarding the case entitled Mehry Moazez v. City of Los Angeles.

REJECT the Plaintiff's offer of settlement.

ITEM NO. (42) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION

Adopted in Open Session, Ayes (11); Absent: Englander, Krekorian and Reyes (3)

[11-1621](#)

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 John H. Dill, Jr. v. City of Los Angeles, Los Angeles Superior Court Case No. TC024060. (This matter involves a traffic accident which occurred in the eastbound lane of Santa Ana South approaching the intersection of Wilmington Avenue in the Watts area.)

(Budget and Finance Committee considered the above matter in Closed Session on October 3, 2011)

ADOPTED

MOTION (PARKS - ENGLANDER)

Recommendation for Council action:

ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled John H. Dill, Jr. v. City of Los Angeles.

1. **AUTHORIZE the City Attorney to expend \$450,000 in settlement after trial of the above-entitled matter from City Attorney Fund 100/59, Account No. 9770.**
2. **AUTHORIZE the City Attorney to draw a demand thereon in said amount made payable to the Law Offices of James Orland and John H. Dill Jr.**
3. **AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.**

Item Noticed for Public Hearing - Item 44

ITEM NO. (44) - CONTINUED TO NOVEMBER 15, 2011

Adopted to Continue, Unanimous Vote (12); Absent: Alarcón and Reyes (2)

[11-1039](#)

CD 7

CONTINUED CONSIDERATION OF HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 15508 West Vincennes Street, APN2656-017-004. (Lien: \$2,290.53)

Recommendations for Council action:

1. HEAR PROTESTS relative to a proposed lien recorded against property located at 15508 West Vincennes Street, to recover the costs of annual inspection invoices, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Sections 91.103, 98.0411(a), and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$2,290.53 on the above referenced property.

Item for Which Public Hearing Has Been Held - Item 45

ITEM NO. (45) - ADOPTED - TO THE MAYOR FORTHWITH

Adopted, Ayes (11); Absent: Englander, Krekorian and Reyes (3)

[11-0600-S145](#)

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT relative to the First Financial Status Report and Addendum Report for Fiscal Year 2011-12.

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

1. APPROVE the recommendations of the City Administrative Officer (CAO) contained in the First Financial Status Report (FSR) for Fiscal Year (FY) 2011-12, dated September 29, 2011, attached to the Council file.

2. APPROVE the recommendations of the CAO contained in the Addendum Report to the 2011-12 First FSR, dated September 30, 2011, relative to the Los Angeles Housing Department, attached to the Council file.
3. INSTRUCT the CAO to report back relative to the General Fund impact of the approximately \$2.9 million allocation to the Community Development Department at the end of FY 2010-11.
4. INSTRUCT the CAO to report back relative to Municipal Improvement Corporation of Los Angeles (MICLA) policies in regards to vehicle expenditures.
5. INSTRUCT Finance to report back on the status of the four pending Request for Proposals (RFPs) related to specific collection efforts for documentary transfer tax, sales tax, etc.
6. INSTRUCT the CAO to report back relative to the General Fund impact of the transfer of the parking lot sweeping program from the Bureau of Street Services back to the Department of General Services.
7. INSTRUCT the Information Technology Agency to review and analyze the strategic plans and studies conducted over past years related to information technology services and incorporate those findings into the new RFP for a Strategic Advisor for Technology Services prior to release of the RFP.
8. INSTRUCT the CAO and Los Angeles Police Department to report back on the fiscal impact of the elimination of the City's Photo Red Light Traffic Citation Program on the Traffic Safety Fund which provides funding for the Bureau of Street Services and Los Angeles Department of Transportation (LADOT).
9. INSTRUCT the LADOT to provide a first year update relative to the department's five year parking plan.
10. INSTRUCT the CAO to report back on the implementation delays for the fee increases identified on the Status of Fee Increases Funding the 2011-12 Budget (Attachment 10 of the First FSR).

Fiscal Impact Statement: The CAO reports that based on preliminary estimates, departments are projecting combined shortfalls between \$10.3 million and \$13.3 million from expenditures in excess of budget. No adjustment to budgeted revenue is recommended at this time. Instructions to departments to address projected reported shortfall and to process reimbursements are included in Sections 1 and 3 of the First FSR. Transfers, appropriations and other adjustments totaling approximately \$129.9 million are recommended in Sections 1 and 2. Included in these recommendations is \$10.5 million authorization to utilize MICLA financing.

Further, the CAO reports that approval of the actions in the CAO's Addendum Report will mitigate the potential assignment of these costs to the General Fund. \$90,000 is available from 36th Program Year Community Development Block Grant savings, should the Council and Mayor determine that this amount can be reprogrammed to provide temporary emergency shelter beds.

Debt Impact Statement: The CAO reports that with the authorization to use MICLA financing provided for in the adopted budget, it estimated that the City will need to borrow a total of \$12,115,000 at a 4 percent interest rate. The total interest cost is \$2,703,600. The estimated annual debt service is \$1,481,860 over 10 years.

Community Impact Statement: None submitted.

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

11-1722

MOTION (GARCETTI - LABONGE) relative to funding for services associated with the use of a mobile stage for the Council District 13 Culture Collide Block Party on October 10, 2011.

11-1723

MOTION (GARCETTI - ROSENDAHL) relative to funding to provide services to homeless veterans in Council District 13.

11-1336-S3

MOTION (PERRY - HUIZAR) relative to funding for support of the October 13, 2011, Art Walk event in the downtown area.

11-1336-S4

MOTION (HUIZAR - PERRY) relative to funding for additional support of the October 13, 2011, Art Walk event in the downtown area.

11-0147

MOTION (PARKS - PERRY) relative to amending prior Council action of February 23, 2011, regarding settlement in the cases entitled Martha Awe and Sheheen Awe v. City of Los Angeles, Los Angeles Superior Court (LASC) Case No. BC411959; Mark Cosham and Emely Cooper v. City of Los Angeles, LASC Case No. BC412070 and Christin Escobar v. City of Los Angeles, LASC Case No. BC414363.

11-1735

MOTION (GARCETTI - LABONGE) relative to requesting the Planning Department to report with recommendations regarding a fence height district, variance, or such other planning tools as may be appropriate to address the community's desire for higher than normally permitted fences for public safety purposes.

11-1725

MOTION (LABONGE - GARCETTI) relative to installing street banners promoting commerce and business in the Toluca Lake business district.

11-0387-S1

MOTION (WESSON - HUIZAR) relative to asserting jurisdiction over the September 20, 2011 action of the South Los Angeles Area Planning Commission.

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

[11-1726](#)

RESOLUTION (KORETZ - HUIZAR) relative to declaring November 4-6, 2011 as Help Feed the Hungry Weekend in the City of Los Angeles.

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

11-0003-S3 - Paula L. Ettelbrick	(Rosendahl)
Roger Williams	(LaBonge)
Chris Moreland	(LaBonge)

**Alarcón, Cárdenas, Huizar, Koretz, LaBonge, Parks, Perry, Rosendahl, Wesson and Zine (10);
Absent: Englander, Krekorian, Reyes and President Garcetti (4)**

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By	
Council Clerk	PRESIDENT OF THE CITY COUNCIL

Regular Meeting Recessed at 1:20 p.m.

Special Meeting Convened at 1:20 p.m.

Special Meeting Adjourned at 1:24 p.m.

Regular Meeting Convened at 1:24 p.m.