

Los Angeles City Council, **Journal/Council Proceedings**  
Wednesday, **October 5, 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: Alarcón, Cárdenas, Englander, Huizar, Koretz, Parks, Perry, Reyes, Zine and President Garcetti (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
SEPTEMBER 30, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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

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## **Item Noticed for Public Hearing - Item 1**

**ITEM NO. (1) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**to Adopt as Amended, Ayes (13); Absent: Wesson (1)**

[11-1528](#)  
CD 4

HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for on-site consumption at the bar/lounge located at 7065 1/2 Sunset Boulevard, Los Angeles, 90028.

Application filed by: Jonathan Kohn for Establishment Group, LLC (Valerie Sacks, Liquor License Specialists, representative)

TIME LIMIT FILE - DECEMBER 5, 2011

(LAST DAY FOR COUNCIL ACTION - DECEMBER 2, 2011)

(Findings and Council recommendations required relative to the above application required)

**ADOPTED**

**AMENDING MOTION (LABONGE - REYES)**

**Recommendations for Council action:**

1. **DETERMINE** that the issuance of a liquor license at the bar/lounge located at 7065 1/2 Sunset Boulevard, Los Angeles, CA 90028, as further described in the text of this Motion, will serve the “Public Convenience or Necessity” and will not tend to create a law enforcement problem.
2. **GRANT** the application for Determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for on-site consumption at 7065 1/2 Sunset Boulevard, Los Angeles, 90028.
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.

## **Items for Which Public Hearings Have Been Held - Items 2-23**

### **ITEM NO. (2) - REFER BACK TO BUDGET AND FINANCE COMMITTEE**

**Adopted to Refer, Unanimous Vote (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)**

[10-0085](#)

COMMUNICATIONS FROM THE CHIEF LEGISLATIVE ANALYST, CITY ADMINISTRATIVE OFFICER, CITY ATTORNEY and ORDINANCES FIRST CONSIDERATION relative to the establishment of an Administrative Citation Enforcement Program to be administered by the Office of the City Attorney and the creation of a special fund entitled the Code Compliance Fund.

(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.)

### **ITEM NO. (3) - ADOPTED**

**Adopted, Ayes (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)**

[11-0691](#)

ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE REPORT relative to requesting the Superintendent of the Los Angeles Unified School District (LAUSD) to report on the feasibility of establishing green technology magnet high school campuses.

Recommendation for Council action, pursuant to Motion (Hahn - Krekorian):

REQUEST the Superintendent of the LAUSD to report to the Education and Neighborhoods Committee on the feasibility of establishing green technology magnet high school campuses with an emphasis on research, invention, building and the use of green technologies such as wind, solar, biofuel, and geothermal.

Fiscal Impact Statement: Neither the City Administrative Officer or the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

**ITEM NO. (4) - CONTINUED TO NOVEMBER 4, 2011**

**Adopted to Continue, Unanimous Vote (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)**

[11-0792](#)  
CD 5

ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE REPORT relative to clearing the Quimby conditions and other related actions in connection with the development of a 264-unit project located 12629 and 12729 West Riverside Drive and construction of the adjacent River Greenway Park.

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

1. DIRECT the Department of Recreation and Parks, with the assistance of the City Planning Department and the City Attorney to enter into a three-party agreement with the developer, County of Los Angeles and City of Los Angeles for the development of the River Greenway Park as detailed in the Motion and August 5, 2011 Communication from CD 5, as attached to the Council file.
2. DIRECT the City Planning Department to clear the Quimby conditions pursuant to the agreement as detailed above in Recommendation No. 1 and in the August 5, 2011 Communication from CD 5, as attached to the Council file.
3. AUTHORIZE the Chief Legislative Analyst to make any technical corrections or clarifications to the instructions in Recommendation Nos. 1 and 2 in order to effectuate the intent of the Motion, as attached to the Council file.

Fiscal Impact Statement: Neither the City Administrative Officer or the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

**Adopted to Continue, Unanimous Vote (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)**  
**(Item Nos. 5-8)**

**ITEM NO. (5) - CONTINUED TO OCTOBER 11, 2011**

[10-1076](#)

CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the status of joint-use agreements between the City and various schools citywide and in the Northeast San Fernando Valley.

Recommendation for Council action:

NOTE and FILE the Department of Recreation and Parks report relative to the status of joint-use agreements between the City of Los Angeles and various schools citywide, particularly within the Northeast San Fernando Valley, and the programs offered at Los Angeles Unified School District sites located in each of the fifteen Council Districts.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

(Continued from Council meeting of September 30, 2011)

**ITEM NO. (6) - CONTINUED TO OCTOBER 11, 2011**

[11-1338](#)  
CD 4

CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to quality of life issues for the neighborhoods surrounding Runyon Canyon Park.

Recommendations for Council action:

1. NOTE and FILE Motion (LaBonge - Koretz) relative to an instruction to the Department of Recreation and Parks (RAP) and the Los Angeles Police Department (LAPD) to report on all issues relating to the quality of life for the neighborhoods surrounding Runyon Canyon Park, including the park's access points.
2. INSTRUCT and REQUEST, as appropriate, Council District Four, the RAP, the RAP Park Rangers, the Department of Animal Services, the LAPD, and the General Services Department Office of Public Safety to create a task force to address quality of life issues for the neighborhoods surrounding Runyon Canyon Park.

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

Community Impact Statement: None submitted.

(Continued from Council meeting of September 30, 2011)

**ITEM NO. (7) - CONTINUED TO OCTOBER 11, 2011**

[11-1449](#)

CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the Department of Recreation and Parks (RAP) establishing a Volunteer in the Parks Program.

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

INSTRUCT the RAP to report with recommendations relative to establishing a Volunteer in the Parks Program, similar to the one operated by the National Park Service, to further enhance the RAP's volunteer program and maximize volunteer service during this budget crisis.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

(Continued from Council meeting of September 30, 2011)

**ITEM NO. (8) - CONTINUED TO OCTOBER 11, 2011**

[09-2823](#)

CONTINUED CONSIDERATION OF JOBS AND BUSINESS DEVELOPMENT and ARTS, PARKS, HEALTH AND AGING COMMITTEES REPORT relative to the process and how well the Department of Recreation and Parks is equipped and ready to assist and facilitate the film productions at our City Parks and Facilities.

Recommendation for Council action:

RECEIVE and FILE Motion (LaBonge - Alarcón - Garcetti) relative to the process and how well the Department of Recreation and Parks is equipped and ready to assist and facilitate the film productions at our City Parks and Facilities.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

(Continued from Council meeting of September 30, 2011)

**Adopted, Ayes (10); Absent: Krekorian, LaBonge, Rosendahl and Wesson (4)  
(Item Nos. 9-23)**

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

[11-1510](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Blackhawk Security Services Inc.

Recommendation for Council action:

RECEIVE and FILE the Office of Finance report to record a lien for unpaid taxes in the amount of \$12,929.30 against property owned by Blackhawk Security Services Inc., inasmuch as the taxpayer has filed for bankruptcy.

Fiscal Impact Statement: Not applicable.

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. (10) - ADOPTED**

[11-1511](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Blue Casa Communications.

Recommendation for Council action:

RECEIVE and FILE the Office of Finance report to record a lien for unpaid taxes in the amount of \$100,368.41 against property owned by Blue Casa Communications, inasmuch as the taxpayer has filed for bankruptcy.

Fiscal Impact Statement: Not applicable.

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**

[11-1513](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Majesty Home Health Inc.

Recommendation for Council action:

RECEIVE and FILE the Office of Finance report to record a lien for unpaid taxes in the amount of \$48,666.25 against property owned by Majesty Home Health Inc., inasmuch as the taxpayer has entered into an agreement to resolve the matter.

Fiscal Impact Statement: Not applicable.

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. (12) - ADOPTED**

[11-1509](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Aerotek Inc.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$24,309.73 against property owned by Aerotek 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. (13) - ADOPTED**

### 11-1512

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Imperial Parking Industries, Inc.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$37,405.31 against property owned by Imperial Parking Industries, 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. (14) - ADOPTED**

### 11-1514

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

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$19,529.94 against property owned by Progressive Health Care Provider 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. (15) - ADOPTED**

[11-1515](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Rosin & Associates, APC.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$17,236.23 against property owned by Rosin & Associates, APC, 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. (16) - ADOPTED**

[11-1522](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by Amherst Real Estate Capital Inc.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$10,122.74 against property owned by Amherst Real Estate Capital 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. (17) - ADOPTED, AS AMENDED - SEE FOLLOWING**

[11-1523](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to approval to record a lien for unpaid taxes against property owned by The Los Angeles Kings Hockey Club LP.

Recommendations for Council action:



1. APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$170,746.52 against property owned by The Los Angeles Kings Hockey Club LP., pursuant to Los Angeles Municipal Code Section 21.15(o).
2. INSTRUCT Finance and City Attorney to work together to streamline the lien approval process and REQUEST the City Attorney to prepare any necessary documents (i.e. ordinances) so that future tax lien reports are submitted directly to Council as was originally proposed by Finance and similar to the Los Angeles Department of Building and Safety model.

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]

## ADOPTED

### AMENDING MOTION (PARKS - PERRY)

#### Recommendation for Council action:

**RECEIVE and FILE Recommendation No. 1 of the Budget and Finance Committee Report relative to recording a lien for unpaid taxes against property owned by the Los Angeles Kings Hockey Club LP.**

## ITEM NO. (18) - ADOPTED

### [07-1102-S1](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to Amendment No. 3 to an agreement with Fuentes & McNally, LLP to continue to provide the Los Angeles Department of Water and Power (LADWP) employees with legal representation on the matters of Miranda vs. LADWP.

#### Recommendation for Council action:

CONCUR with the Board of Water and Power Commissioners' action of September 6, 2011, Resolution No. 012-036, authorizing the execution of Amendment No. 3 to Agreement No. 47569-7 with Fuentes & McNally, LLP to continue to provide the LADWP employees with legal representation on the matters of Miranda vs. LADWP. The amendment will increase the contract by \$75,000 and extend the agreement by one year to December 31, 2012.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed resolution will increase the authorized expenditure by \$75,000 with a total, not-to-exceed amount of \$475,000 from the Power Revenue Fund. Since the LADWP is bound only by the City Debt Management Policies, the City Financial Policies are not applicable. The Department states that the proposed resolution is consistent with the LADWP's Financial Policies. Approval of the proposed resolution will have no impact on the General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 8, 2011

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

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

[11-0326](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT and RESOLUTION relative to the acceptance of grant funding from the California Department of Resources Recycling and Recovery (CalRecycle) for the City's Used Tire Recycling Program.

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

1. AUTHORIZE the Director, Bureau of Sanitation (BOS), or designee, to accept an amount not to exceed \$169,602 in grant funds from the CalRecycle Local Government Waste Tire Cleanup and Amnesty Event Grant Programs TCA8 Cycle - Fiscal Year 2010-11 to fund all eligible expenses incurred during the grant term for the City's Used Tire Recycling Program, and to execute all necessary agreements, amendments and payment requests which may be necessary to secure funding.
2. AUTHORIZE the BOS to deposit up to \$169,602 in grant receipts into the Solid Waste Resources Revenue Fund, Fund 508/50, Revenue Source Code 336100 (Other State Grants-General).
3. ADOPT the accompanying RESOLUTION authorizing the acceptance of the grant funding.

Fiscal Impact Statement: The BOS reports that there is no impact to the General Fund. Receipt of grant funds will offset costs otherwise provided by the Solid Waste Resources Revenue Fund. The total estimated cost for the grant project is \$169,602.

Community Impact Statement: None submitted.

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

[11-0840](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to a claim for refund from the Academy of Motion Picture Arts and Sciences (Academy Awards) for overpayment of special event fees.

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

1. APPROVE the Claim for Refund Over \$5,000 No. 107022 to refund the Academy Awards for overpaid special event fees in the amount of \$71,947.44.
2. REQUEST cooperation from the Academy Awards on setting aside 20 seats for the LA INC. The Los Angeles Convention and Visitors Bureau in the public grand stand for guests and promotion of Los Angeles around the world.

Fiscal Impact Statement: The Board of Public works reports that there is no impact to the General Fund. The refund returns funds provided by the event organizer for anticipated costs that were not incurred by the City.

Community Impact Statement: None submitted.

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

[11-1563](#)

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to an Agreement with Basin Valve Company to provide the Los Angeles Department of Water and Power (LADWP) with safety and pressure relief valve technical consulting and repair services at steam generating facilities and other LADWP facilities.

Recommendation for Council action:

CONCUR with the Board of Water and Power Commissioners' action of September 6, 2011, Resolution No. 012-031, authorizing the execution of Agreement No. 47009-1 with Basin Valve Company to provide safety and pressure relief valve technical consulting and repair services at steam generating facilities and other LADWP facilities for a term of five years from the date of execution and a not-to-exceed amount of \$1,500,000.

Fiscal Impact Statement: The City Administrative Officer reports that approval of this request may result in an estimated expenditure amount of approximately \$1,500,000 from the Power Revenue Fund. There is no impact on the General Fund. The agreement is consistent with the LADWP's Financial Policies.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 8, 2011

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

**ITEM NO. (22) - ADOPTED**

[11-1542](#)

CD 10

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to authority to execute a \$2,629,000 City loan agreement with Harold & Belle's, LLC to provide financial assistance for the acquisition and rehabilitation of Harold and Belle's Creole Restaurant.

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

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

- a. Promissory Note in favor of the U. S. Department of Housing and Urban Development, related documents and amendments to these documents, to borrow an amount up to \$2,629,000 pursuant to the Section 108 Loan Guarantee Program for a City Loan to provide assistance for the development of the Harold and Belle's Creole Restaurant Project, located at 2920 West Jefferson Boulevard, in Los Angeles (Project) subject to review and approval by the City Attorney, as to form and legality.
  - b. Section 108 City Loan Agreement and related documents between the City and Harold and Belle's, LLC., a Delaware limited liability corporation or an entity approved by CDD (Borrower) which will obligate the Borrower to repay the \$2,629,000 City Loan providing assistance for reasonable and eligible costs of the Project, subject to review and approval by the City Attorney, as to form and legality and compliance with the City's contracting requirements.
2. FIND, pursuant to an eligibility review conducted by CDD, that the Project meets a National Objective, Eligible Activity and Public Benefit compliance of the Housing and Community Development Act and is necessary and appropriate to accomplish the City's economic development objectives.
  3. APPROVE the City Loan subject to environmental assessment of the proposed Project and satisfactory compliance with the California Environmental Quality Act and the National Environmental Policy Act.
  4. AUTHORIZE the Controller to establish a new account, 22H6210 within the Section 108 Fund 43F, titled Harold and Belle's Expansion and appropriate and expend funds in an amount up to \$2,629,000 upon proper demand of the General Manager, CDD, or designee.
  5. AUTHORIZE the General Manager, CDD, or designee, to prepare Controller instructions for any technical adjustments that are necessary and consistent with the Mayor and Council action on this matter, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement those instructions.

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact on the City's General Fund if the recommendations in this report are approved. The City will provide a \$2,629,000 City Loan to Harold and Belle's, LLC, (Borrower) for financial assistance for the Harold and Belle's Creole Restaurant Project from the proceeds of funds borrowed by the City from the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program (Section 108). The collateral and debt service obligation of the City Loan is the sole responsibility of the Borrower and is secured by the City's security interest in the Project and Developer guarantees to prevent any negative impact on City grant resources. In the event the City does not make its scheduled debt service obligation to HUD, per its Section 108 borrowings, HUD's recourse is to draw payment from current and future Community Development Block Grant allocations to the City. The Section 108 Loan will generate a front end fee of \$26,290 when the loan is disbursed to offset CDD administrative costs. The recommendations comply with the City Financial Policies in that loan proceeds are comprised entirely of Federal funds.

Community Impact Statement: None submitted.

**ITEM NO. (23) - ADOPTED**

[11-1223](#)

PLANNING AND LAND USE MANAGEMENT and TRANSPORTATION COMMITTEES' REPORT relative to Southern California Association of Governments (SCAG) proposed alternatives for the 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Recommendations for Council action:

1. AUTHORIZE the Los Angeles Department of Transportation (LADOT) and City Planning Department (Planning) to:
  - a. Submit to SCAG the comments contained in Attachment A of the joint LADOT and Planning report dated September 21, 2011 (contained in the Council file), inasmuch as the strategies identified therein may have a potential impact on the City.
  - b. Convey the comments to SCAG requesting that they be incorporated into the 2012 RTP/SCS with the understanding that the comments may be modified and supplemented by the City, with Council and Mayor approval, as the RTP/SCS is further developed.
2. REQUEST the SCAG to provide copies of the draft SCS land use maps for review by the LADOT and Planning, Council, and Mayor prior to SCS adoption, inasmuch as the maps will identify geographical areas of the City where projects can be eligible for California Environmental Quality Act streamlining and thereby potentially allow development projects to receive mitigated negative declarations in the development review process and thereby impact growth in the City.

Fiscal Impact Statement: The LADOT and Planning Departments report the potential fiscal impact to the City has not been determined. Further review and evaluation is necessary as more information on the ultimate preferred alternative is presented by SCAG.

Community Impact Statement: None submitted.

**Items for Which Public Hearings Have Not Been Held - Items 24-30**

(10 Votes Required for Consideration)

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

**Adopted, Ayes (13); Absent: Wesson (1)**

[11-1565](#)

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 Kiowa and Granville Avenues 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 September 13, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 7, 2011** as the hearing date for the maintenance of the Kiowa and Granville Avenues No. 1 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, \$215.88 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: November 30, 2011)

**Adopted, Ayes (12); Absent: LaBonge and Wesson (2)  
(Item Nos. 25-28)**

**ITEM NO. (25) - ADOPTED**

[11-1566](#)  
CD 1

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the St. Paul Avenue and Sixth 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 13, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 7, 2011** as the hearing date for the maintenance of the St. Paul Avenue and Sixth 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, \$3,599.98 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: November 30, 2011)

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

[11-1567](#)  
CD 13

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Hyans Street and Occidental Boulevard 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 12, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 7, 2011** as the hearing date for the maintenance of the Hyans Street and Occidental Boulevard 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, \$509.46 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: November 30, 2011)

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

[11-1570](#)  
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 Gorham and Amherst Avenues 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 13, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 7, 2011** as the hearing date for the maintenance of the Gorham and Amherst Avenues 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, \$352.30 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: November 30, 2011)

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

[11-1571](#)  
CD 5

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Gloaming Way and Cherokee Lane 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 13, 2011.
2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of **DECEMBER 7, 2011** as the hearing date for the maintenance of the Gloaming Way and Cherokee Lane 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, \$189.97 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: November 30, 2011)

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

**Adopted, Ayes (13); Absent: Wesson (1)**

[11-1659](#)

CONSIDERATION OF MOTION (LABONGE - ROSENDAHL) relative to a construction and maintenance agreement for improvements of the rail crossing at Broadway and Brazil Streets.

Recommendations for Council action:

1. AUTHORIZE the Los Angeles Department of Transportation (LADOT) to negotiate and execute a construction and maintenance agreement with Southern California Regional Rail Authority (SCRRA) and the City of Glendale, for improvements of the rail crossing at Broadway and Brazil Streets, subject to the approval of the City Attorney as to form and legality.
2. INSTRUCT the LADOT to present the draft construction and maintenance agreement to Council for approval at its October 5, 2011, meeting, to ensure that SCRRA can seek a \$4 million allocation from the State's Highway-Railroad Crossing Safety Account Program from the California Transportation Commission.

Community Impact Statement: None submitted.

(Transportation Committee waived consideration of the above matter)

#### **ITEM NO. (30) - ADOPTED**

**Adopted, Ayes (13); Absent: Wesson (1)**

[11-1657](#)

MOTION (GARCETTI - PARKS) relative to requesting the Los Angeles Area Chamber of Commerce to present its report entitled "Los Angeles City Council Districts: 2011 Economic Report" to the City Council on October 5, 2011.

Recommendation for Council action:



REQUEST the Los Angeles Area Chamber of Commerce to present its report entitled "Los Angeles City Council Districts: 2011 Economic Report" to the City Council at its meeting of October 5, 2011.

## **Closed Sessions - Items 31-35**

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

**Adopted in Open Session, Ayes (11); Absent: Cárdenas, Wesson and President Garcetti (3)**

#### 11-1390

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 Ludmila Klet v. City of Los Angeles, Los Angeles Superior Court Case No. LC090272. (This matter involves a personal injury incident which occurred on October 29, 2009.)

(Budget and Finance Committee waived consideration of the above matter)

(Continued from Council meeting of September 30, 2011)

### **ADOPTED**

#### **MOTION (PARKS - ENGLANDER)**

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

- 1. AUTHORIZE the City Attorney to expend \$425,000 in settlement 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 payable to Abassian Marrache LLP and Ludmila Klet.**
- 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 NO. (32) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Adopted in Open Session, Ayes (11); Absent: Cárdenas, Wesson and President Garcetti (3)**

#### 11-1358

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to attorneys' fees and instructions in the case entitled Community Alliance for Open Space v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS 127621. (This case involves the City's approval of the Lopez Canyon Truck Driver Training Academy and the Court's issuance of a writ of mandate issued against the City based on improper granting of a zone variance and a special privilege and violation of the California Environmental Quality Act.)

(Budget and Finance Committee waived consideration of the above matter)

**ADOPTED**

**MOTION (PARKS - ENGLANDER)**

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

1. **DIRECT** the City Attorney not to appeal the ruling on attorney's fees in this action.
2. **AUTHORIZE** the City Attorney to draw the necessary demand warrant to pay the fee award in an amount of \$379,031.78, plus accrued interest, payable to Caufield & James, LLP, and Community Alliance for Open Space c/o Caufield & James, LLP, from the Liability Claims Fund 100/59, Account No. 009770.
3. **ADOPT** the attached Motion to comply with the Court's June 16, 2011 writ.
4. **INSTRUCT** the City Administrative Officer to review this matter in order to determine whether any Special Funds could be used to pay the settlement.

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

**Adopted in Open Session, Ayes (11); Absent: LaBonge, Rosendahl and Wesson (3)**

[11-1622](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Robert Pettit and Claudia Pettit v. City of Los Angeles, Los Angeles Superior Court Case No.: SC 100245. (This case arises from an inverse condemnation action involving a slope failure in West Los Angeles.)

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

**ADOPTED**

**MOTION (PARKS - ENGLANDER)**

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

1. **APPROVE** settlement of the above-entitled case.
2. **AUTHORIZE** the City Attorney to execute a settlement agreement and all other documents necessary to implement the settlement.
3. **AUTHORIZE** the City Attorney, without further instruction, to draw the necessary demand from the Liability Claims Fund 100/59, Account No. 009770 in the amount of \$164,166.67, payable to Robert Pettit and Claudia Pettit.

4. **AUTHORIZE the City Attorney to draw the necessary demand from the Liability Claims Fund 100/59, Account No. 009770 in the amount of \$83,333.33, payable to the law officers of Rosenberg Mendlin and Rosen LLP.**
5. **DIRECT the Sewer Operations and Maintenance Fund 760/50 to reimburse the Liability Claims Fund 100/59 in the amount of \$70,000 upon receipt of billing from the City Attorney's Office.**
6. **AUTHORIZE the City Attorney to deposit the settlement check from plaintiff's insurance carrier in the amount of \$25,000 into the Liability Claims Fund 100/59 and AUTHORIZE the Controller's Office to appropriate said amount into Account 009770.**
7. **AUTHORIZE the City Attorney or designee to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Office, and AUTHORIZE the Controller to implement the instructions.**

**ITEM NO. (34) - NO ACTION TAKEN**

[11-1653](#)

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 EEOC Claim of Elena Mattox and D'Lisa Davies, Fire Department, Charge Nos. 340-2006-01090 and 340-2006-00470. (These claims allege gender discrimination, racial discrimination, harassment, and retaliation.)

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

**ITEM NO. (35) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING**

**Adopted in Open Session, Ayes (10); Noes: Zine (1); Absent: Cárdenas, Wesson and President Garcetti (3)**

[11-1648](#)

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 EEOC Claim of Anthony Almeida, Fire Department Charge Nos. 480-2007-03679 and 480-2008-04019. (These claims allege a hostile work environment, discrimination, harassment, and retaliation.)

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

**ADOPTED**

**MOTION (PARKS - ENGLANDER)**

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

1. **AUTHORIZE the City Attorney to settle the EEOC Claim of Anthony Almeida for an amount not exceeding \$494,150.**
2. **AUTHORIZE the Los Angeles Fire Department to pay \$89,650 in back wages from Fund 100/38, Account 001012.**
3. **AUTHORIZE the City Attorney to draw a demand from Fund 100/59, Account 009770 in the amount of \$404,500 payable to Manly & Stewart and Anthony Almeida.**
4. **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.**

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

### [11-1358-S1](#)

MOTION (PARKS - REYES) relative to actions in compliance with the writ issued by the Los Angeles Superior Court Case (LASC) on June 16, 2011 in the case entitled Community Alliance for Open Space v. City of Los Angeles, et al., LASC Case No. BS 127621.

### [11-1695](#)

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

### [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.

### [11-1697](#)

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

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

### [11-1694](#)

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

### [11-1693](#)

RESOLUTION (GARCETTI - ENGLANDER for LABONGE) relative to declaring October 2011 as Italian-American Heritage Month in the City of Los Angeles.

## COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Krekorian was excused to leave at 12:15 p.m. from Council session of Wednesday, October 12, 2011 due to City Business.

Upon his request, and without objections, Councilmember Zine was excused to leave at 11:45 a.m. from Council session of Friday, October 14, 2011 due to City Business.

Upon his request, and without objections, Councilmember Englander was excused to leave at 11:00 a.m. from Council session of Tuesday, October 25, 2011 due to City Business.

## COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[11-0004](#) -S3 - Bebe & Cece Winans

Garcetti - LaBonge

Hal David

Garcetti - LaBonge

John Lasseter

Garcetti - LaBonge

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

[11-0003-S2](#) - Burton S. Sperber

Rosendahl - LaBonge - All Councilmembers

Jamal Asaad Navarro

Huizar - Reyes - LaBonge

**Alarcón, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Reyes, Rosendahl and Zine (11); Absent: Cárdenas, Wesson and President Garcetti (3)**

**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 12:15  
Special meeting convened at 12:15  
Special meeting adjourned at 12:17  
Regular meeting convened at 12:17