

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **October 19, 2011**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

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

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 14, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 19

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 1-9

Adopted, Ayes (12); Absent: LaBonge and Rosendahl (2)
(Item Nos. 1-4)

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

[11-1121](#)
CD 10

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Normandie Avenue and Olympic Boulevard Lighting District.

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

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

(Public Hearing held September 30, 2011)

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

[11-1136](#)

CD 9

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Washington Boulevard Corridor Lighting District.

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

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

(Public Hearing held September 30, 2011)

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

[11-1215](#)

CD 15

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Broad Avenue and "M" Street Lighting District.

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

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

(Public Hearing held September 30, 2011)

ITEM NO. (4) - PUBLIC HEARING CLOSED - ADOPTED

[11-1216](#)

CD 11

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Sunset Boulevard and Westgate Avenue (Re-Ballot) Lighting District.

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

1. FIND that a majority protest exist in the Street Lighting Maintenance Assessment District and therefore the assessment cannot be enacted.

2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).
3. INSTRUCT the Director, Bureau of Street Lighting, to assure that the streetlights are not installed or are removed from service if previously installed.

(Public Hearing held September 30, 2011)

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

**ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
NOVEMBER 16, 2011**

[10-0469](#)
CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Westgate Avenue and Dorothy Street (Reballot) Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Westgate Avenue and Dorothy Street (Reballot) 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 16, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (6) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
NOVEMBER 16, 2011**

[11-1351](#)
CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Riverside Drive and Van Nuys Boulevard Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Riverside Drive and Van Nuys Boulevard 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 16, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (7) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
NOVEMBER 16, 2011**

[11-1352](#)

CD 12

HEARING PROTESTS against the proposed improvement and maintenance of the Roscoe Boulevard and Lindley Avenue No. 1 Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Roscoe Boulevard and Lindley Avenue No. 1 Boulevard 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 16, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**ITEM NO. (8) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
NOVEMBER 16, 2011**

[11-1381](#)

CD 9

HEARING PROTESTS against the proposed improvement and maintenance of the Central Avenue and 46th Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Central Avenue and 46th 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 17, 2011 - Continue hearing and present Ordinance on November 16, 2011 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (9) - PUBLIC HEARING CLOSED - CITY ENGINEER INSTRUCTED TO PROCEED

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

[04-1355](#)

CD 4

HEARING PROTEST relative to vacating Valleyheart Drive (portion of Northerly Side) between Willow Crest Avenue and Lankershim Boulevard VAC (E1400912).

(Categorical Exemption, Public Works Committee Report and Findings adopted on September 16, 2011)

Items for Which Public Hearings Have Been Held - Items 10-13

Adopted, Ayes (10); Absent: Alarcón, Krekorian, LaBonge and Rosendahl (4)
(Item Nos. 10-11)

ITEM NO. (10) - ADOPTED

[11-0689-S1](#)

CD 14

ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE REPORT relative to a proposed cooperation agreement with United Methodist Ministries Los Angeles District (UMM-LAD) for use of La Plaza Methodist Church at El Pueblo de Los Angeles (El Pueblo) located at 115 Paseo de la Plaza.

Recommendations for Council action, as initiated by Motion (Huizar - Parks - LaBonge - Garcetti):

1. APPROVE the United Methodist Church Cooperative Agreement, as detailed in Attachment 2 of the October 12, 2011 Joint Chief Legislative Analyst (CLA)/El Pueblo report, attached to the Council file, contingent of the full payment of back rent by November 1, 2011.
2. REQUEST the El Pueblo de Los Angeles Historical Monument Commission to expeditiously approve the United Methodist Church Cooperative Agreement as detailed above in Recommendation No. 1.
3. DIRECT the General Manager, El Pueblo, to collect all back rent owed by UMM-LAD by November 1, 2011.
4. DIRECT the Bureau of Engineering to report to the Municipal Facilities Committee on the scope of work and cost estimate for improvements necessary to accommodate greater public access to the La Plaza Methodist Church.

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

Community Impact Statement: None submitted.

ITEM NO. (11) - ADOPTED

[11-1586](#)

CD 14

ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE REPORT relative to a proposed concession agreement with Soto-Alvarez, LLC (Soto-Alvarez) for a Mexican-themed specialty retail and photo business located at 634 North Main Street.

Recommendation for Council action:

APPROVE and AUTHORIZE the General Manager, El Pueblo de Los Angeles, to execute the lease agreement with Soto-Alvarez at the Hammel Building located 634 North Main Street for a term of five years with one five-year renewal option for a Mexican-themed specialty retail and photo business, subject to the approval of the City Attorney.

Fiscal Impact Statement: The City Administrative Officer (CAO) reports that the proposed lease agreement with Soto-Alvarez is expected to generate approximately \$230,760 in revenue for the entire five-year term. These funds will be deposited into the El Pueblo De Los Angeles Historical Monument Revenue Fund and will be used to offset the cost of Departmental operations. These monies have been included in the revenue projections for 2011-12. The recommendation stated in the September 26, 2011 CAO report complies with City Financial Policies in that user charges and fees are set to support the full costs of operations for which the fees are charged. There is no additional impact on the General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 28, 2011

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

ITEM NO. (12) - ADOPTED, AS AMENDED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

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

[10-1947](#)

COMMUNICATIONS FROM THE CITY ADMINISTRATIVE OFFICER AND BUREAU OF SANITATION relative to program updates and proposed adjustments to the Sewer Service Charge and other fees supporting the Clean Water Program.

(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.)

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

ADOPTED, AS AMENDED

BUDGET AND FINANCE COMMITTEE REPORT relative to proposed adjustments to the Sewer Service Charge and other fees supporting the Clean Water Program.

Recommendations for Council action, as initiated by Motion (Parks - Perry), SUBJECT TO THE APPROVAL OF THE MAYOR:

- 1. INSTRUCT the Bureau of Sanitation to:**

- a. **Increase the Sewer Service Charge (SSC) annually for a period of ten years by a 4.5 percent increase beginning as early as January 1, 2012, and 4.5 percent effective July 1 in each of fiscal years 2012-13 and 2013-2014, and 6.5 percent effective July 1 in each of fiscal years 2014-2015 through 2020-21.**
- b. **Adjust the low-income surcharge from the current rate of 0.84 percent to 1.64 percent to fully fund the low income subsidy provided to SSC customers, as required by the Clean Water Act.**
- c. **Adjust the SSC of public agencies to eliminate exemption of the capital component of the SSC so they are billed on the same basis as all other customers.**
- d. **Adjust the Quality Surcharge Fee subject to any changes necessary to conform to the revised SSC rates identified in above recommendation number 1a.**
- e. **Modify the Industrial Waste Fees for increased cost recovery, subject to any changes necessary to conform to the revised SSC rates identified in above recommendation number 1a.**
- f. **Modify the Septage Fees for full cost recovery, as specified in Table A-4 of the July 29, 2011 City Administrative Officer (CAO) report, attached to the Council file.**
- g. **Modify the Sewerage Facilities Charge, as specified in Table A-5 of the July 29, 2011 CAO report.**
- h. **Print and distribute notices to all affected customers in compliance with Proposition 218.**
- i. **Assume the eligibility verification process for SSC low-income subsidies from the Department of Water and Power.**
- j. **Develop and report on a proposed Sewer Connection Loan Program to assist homeowners to finance sewer lateral and septic-tank connections, based on stakeholder input and discussions with the County Assessor on the feasibility of including these loans on property tax bills similar to the mechanism used for lighting district assessments. Also, evaluate the feasibility of including in this loan program, loans to encourage homeowners to install backflow prevention valves to help prevent future sewage backflows, in an effort to reduce the City's liability.**
- k. **Implement a requirement that all new single-family construction in the City of Los Angeles be required to have private water submeters.**
- l. **Identify, with the assistance of the CAO, 25 vacant Sanitation positions in the Clean Water Program for deletion as part of the 2012-13 budget process. The remaining 197 vacant positions in the Clean Water Program, referenced in the CAO's October 14, 2011 report (attached to the Council file), will continue to be subject to the Managed Hiring Process.**

- m. Expand the use of the hiring hall as a cost saving measure.
 - n. Manage, with the assistance of the CAO, the cash flow of the Clean Water Program and make adjustments, as necessary, to avoid backloading necessary capital infrastructure improvements into the latter years.
 - o. Evaluate, with the assistance of the CAO and Chief Legislative Analyst, strategic options to minimize future rate impacts by increasing revenue and/or reducing costs for the Clean Water program, as included in Appendix F of the July 29, 2011 CAO report.
 - p. Report back in the annual budget with an assessment of the stability of the Clean Water Program.
2. REQUEST the City Attorney to prepare and present ordinances for pertinent fee adjustments, and finalize ordinances for approval after required public hearings have been held.
 3. REDUCE a General Fund obligation of \$10 million in SCM expenditures for Northridge earthquake recovery by \$4 million (reflects an offset of prior years related cost adjustments from 2008-09 and 2009-10), thereby immediately reducing the Northridge obligation to \$6 million, and INSTRUCT the CAO to work with the Bureau of Sanitation to eliminate the remaining \$6 million General Fund obligation in SCM expenditures for Northridge earthquake recovery as soon as possible through writeoffs or other similar means.

Fiscal Impact Statement: The CAO reports that the Sewer Construction and Maintenance Fund is a special enterprise fund with no reliance on the General Fund. Proposed rate adjustments for various components of the Clean Water Program, inclusive of the Sewer Service Charge which will increase rates over a ten-year period by 4.5 percent in Fiscal Year (FY) 2011-12 through FY 2013-14, and by 6.5 percent from FY 2014-15 through FY 2020-21, will result in additional revenue of \$1.88 billion.

Community Impact Statement: None submitted.

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

ADOPTED

AMENDING MOTION (CARDENAS - WESSON)

Recommendation for Council action:

IDENTIFY, with the assistance of the CAO, 25 vacant Sanitation positions in the Clean Water Program for deletion as part of the 2012-13 budget process. The remaining 197 vacant positions in the Clean Water Program, referenced in the CAO's October 14, 2011 report (attached to the Council file), will continue to be subject to the Managed Hiring Process.

ADOPTED

AMENDING MOTION (CARDENAS - ENGLANDER)

Recommendation for Council action:

INSTRUCT the Bureau of Sanitation to work with the category of Significant Industries Users who have achieved a history of reduced waste water flow through implementation of best practices, strength through water conservation and pre-treatment practices that have resulted in an oversubscription level on sewer facility charge that could be credited toward the service charges and report within 30 days to Council with recommendations on offsets and mitigation measures.

ITEM NO. (13) - ADOPTED, AS AMENDED - SEE FOLLOWING

to Adopt as Amended, Ayes (12); Absent: LaBonge and Perry (2)

[08-0530](#)

[08-0530-S1](#)

[08-1233](#)

[08-1233-S1](#)

[08-0515](#)

[11-0923](#)

ARTS, PARKS, AND NEIGHBORHOODS AND PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to murals on private property.

Recommendations for Council action:

1. RECEIVE and FILE the following:

- a. 08-0530: Motion (Huizar - LaBonge), November 7, 2008 City Planning Department (Planning) report, and November 13, 2008, July 6, 2010, and October 7, 2011 Department of Cultural Affairs (DCA) reports relative to notifying the DCA and the appropriate Council Office when a property owner has been cited for a violation and is being requested to remove a mural from private property.
- b. 08-0530-S1: Motion (Huizar - LaBonge), November 7, 2008 Planning report, and November 13, 2008 and July 6, 2010 DCA reports relative to directing the Department of Building and Safety and City Planning Department to cease from issuing citations or notices to comply for murals signs Ordinances until the City has established a permitting process for fine art murals on private property.
- c. 08-1233: Motion (Huizar - LaBonge), November 7, 2008 Planning report, and November 13, 2008, July 6, 2010, and October 7, 2011 DCA reports relative to directing the City Planning Department, with the assistance of the DCA, Department of Building and Safety, City Attorney, and Chief Legislative Analyst (CLA), first define what a fine art mural is and to draft an Ordinance that addresses the City's need to facilitate new and preserve existing murals.

- d. 08-1233-S1: Motion (Huizar - LaBonge) relative to declaring a moratorium on the issuance of notices to remove murals that property owners have evidence were completed prior to April 2002 and creating a working group to investigate how the City can restore funding for a program to convince building owners to maintain murals located on their properties for a set number of years.
 - e. 08-0515: Motion (LaBonge - Huizar), November 7, 2008 Planning report, and November 13, 2008, July 6, 2010, and October 7, 2011 DCA reports relative to directing the City Planning Department, with the assistance of the DCA, Department of Building and Safety, CLA and the City Attorney to report with recommendations on the feasibility of establishing a process which would permit the installation of fine art murals on private property.
 - f. 11-0923: Motion (Rosendahl - Reyes) relative to instructing the City Planning Department, with the assistance of the DCA and Department of Building and Safety, and in consultation with the City Attorney, to prepare and present an Ordinance to define murals as something other than signs and establish a Citywide program for permitting murals.
2. DIRECT the City Planning Department, in consultation with the City Attorney, to prepare and present an ordinance to adopt the Vintage Mural Permit and the Time, Place, Manner Permit as detailed in the October 7, 2011 DCA report and attached to the Council file, inasmuch as these options would be cost-neutral to the City.
 3. DIRECT the City Planning Department to investigate the option of establishing a Vintage Mural Permit five years prior to the date that the Ordinance, as described above in Recommendation No. 2, is adopted.
 4. DIRECT that all new proposed Time/Place/Manner mural permits include the name and contact information of the party responsible for maintaining and repairing the mural.
 5. DIRECT that as a condition of receiving the proposed Vintage Mural permit, the existing mural must be cleaned and or repaired and have an anti-graffiti coating applied to it, as well as submit the name and contact information of the party responsible for maintaining and repairing the mural.
 6. INSTRUCT the City Administrative Officer (CAO) to work with the DCA, City Planning Department, Department of Building and Safety, Department of Public Works, and in consultation with the City Attorney, to provide a cost estimate that quantifies staff costs to issue, administer, and enforce a Public Art Easement Permit for fine art and public art murals to be located on private property, and to identify the source of funds to do so; and further INSTRUCT the CAO to report in regard to the resources available for the maintenance of existing murals and recommendations in regard to strategies/mechanisms for funding and maintenance of existing murals through a Public Art Easement approach.
 7. INSTRUCT the CAO, DCA, and other City departments to identify contractual personnel, staff, and any other costs associated with implementing the City's mural permitting, enforcement, and maintenance program.

Fiscal Impact Statement: Neither the CAO or the CLA has completed a financial analysis of this report.

Community Impact Statement: Yes

General Comments: Studio City Neighborhood Council

ADOPTED

AMENDING MOTION (HUIZAR - REYES)

Recommendations for Council action:

- 1. INSTRUCT Planning Department to consider using the City Attorney's Administrative Code Enforcement program to address murals in the new ordinance that may be non-compliant with the City's ordinance as an administrative rather than a criminal process.**
- 2. INSTRUCT City Attorney and Planning Department to draft the ordinance to allow for the grandfathering of murals (vintage process) as of the date of the adoption of the ordinance.**

Items for Which Public Hearings Have Not Been Held - Items 14-29

(10 Votes Required for Consideration)

**Adopted, Ayes (10); Absent: Alarcón, Krekorian, LaBonge and Rosendahl (4)
(Item Nos. 14-16)**

ITEM NO. (14) - ADOPTED

[09-0002-S186](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on HR 2194 (Berman), the Iran Refined Petroleum Sanctions Act of 2009.

Recommendation for Council action:

RECEIVE and FILE the Chief Legislative Analyst report and Resolution (Koretz - Garcetti) relative to the City's position on HR 2194 (Berman), the Iran Refined Petroleum Sanctions Act of 2009, and similar provisions of other legislation, which would reinforce American diplomacy with the threat of tougher sanctions if Iran rejects U.S. overtures and continues to enrich uranium in defiance of the international community.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[11-0002-S79](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 564 (Smyth), which would allow a taxpayer to designate on a tax return that a specified amount in excess of their tax liability be transferred to the Municipal Shelter Spay-Neuter Fund, which would be created by this bill.

Recommendation for Council action:

RECEIVE and FILE the Department of Animal Services report relative to the City's position on AB 564 (Smyth), which would allow a taxpayer to designate on a tax return that a specified amount in excess of their tax liability be transferred to the Municipal Shelter Spay-Neuter Fund, which would be created by this bill.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (16) - ADOPTED

[11-0002-S86](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 1151 (Feuer - Blumenfield), which amends the California Public Divest from Iran Act of 2007 to clarify language that will restrict investment of public funds in Iran.

Recommendation for Council action:

RECEIVE and FILE Resolution (Koretz - Krekorian) relative to the City's position on AB 1151 (Feuer - Blumenfield), which amends the California Public Divest from Iran Act of 2007 to clarify language that will restrict investment of public funds in Iran.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (17) - ADOPTED

Adopted, Ayes (12); Absent: LaBonge and Perry (2)

[11-0002-S105](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE relative to the City's position on AB 1298 (Blumenfield), which would revise the definition of "mobile billboard advertising display" to include mobile, a non-motorized vehicle or bicycle that carries, pulls or transports a sign or billboard.

Recommendation for Council action:

RECEIVE and FILE Resolution (Zine - Englander - Krekorian) relative to the City's position on AB 1298 (Blumenfield), which would revise the definition of "mobile billboard advertising display" to include mobile, a non-motorized vehicle or bicycle that carries, pulls or transports a sign or billboard.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**Adopted, Ayes (10); Absent: Alarcón, Krekorian, LaBonge and Rosendahl (4)
(Item Nos. 18-20)**

ITEM NO. (18) - ADOPTED

[11-0002-S90](#)

COMMUNICATION FROM CHAIR, INTERGOVERNMENTAL RELATIONS COMMITTEE and RESOLUTION relative to the City's position on S. 565 (Kerry-Lugar), the StartUp Visa Act of 2011, which would establish an employment-based immigrant visa for immigrant entrepreneurs who have received capital from American investors to establish a business in the United States.

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

ADOPT the accompanying RESOLUTION to include in the City's 2011-12 Federal Legislative Program, SUPPORT for S. 565 (Kerry-Lugar), the StartUp Visa Act of 2011, which would establish an employment-based immigrant visa for immigrant entrepreneurs who have received capital from American investors to establish a business in the United States.

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. (19) - ADOPTED

[11-1651](#)

COMMUNICATION FROM THE COMMUNITY DEVELOPMENT DEPARTMENT (CDD) relative to the exemption of grant-funded positions from Civil Service provisions of the City Charter.

Recommendation for Council action:

RESOLVE that the following positions, in the CDD, BE EXEMPTED from the Civil Service provisions of the City Charter, pursuant to Charter Section 1001(d)(4):

<u>No.</u>	<u>Code</u>	<u>Class</u>
1	1579	Chief Grants Administrator
1	9191-1	Industrial and Commercial Finance Officer I
2	1550	Program Aide

These positions are grant-funded, and the term of the extension is for a period not to exceed two years. (On August 25, 2011, the Board of Civil Service Commissioners approved the exemption request from CDD.)

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

Community Impact Statement: None submitted.

(Personnel Committee waived consideration of the above matter)

ITEM NO. (20) - ADOPTED

[11-1722](#)

CD 13

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.

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

APPROPRIATE \$666 from the Unappropriated Balance Fund No. 100/58 to the General Services Fund No. 100/40, Account No. 1090 (Salaries - Overtime) for services associated with use of a mobile stage for the Council District 13 Culture Collide Block Party on October 11, 2011 - said funds to be reimbursed to the General Fund by FILTER Music Media Marketing, LLC.

ITEM NO. (21) - ADOPTED

Adopted, Ayes (12); Absent: LaBonge and Perry (2)

[11-1723](#)

CD 13

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

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

1. TRANSFER \$90,000 in the Council District 13 portion of the AB 1290 Fund No. 53P, Account No. G304 (Redevelopment Projects - Services) to the Community Development Department Fund No. 551/22 for homeless veterans services.
2. AUTHORIZE the Controller to establish a new account, 22H725, entitled Council District 13 AB 1290 Homeless Veterans Services, and APPROPRIATE \$90,000 within the Community Development Department Fund No. 551/22.
3. INSTRUCT the General Manager, Community Development Department, or designee, to negotiate and amend Contract C-118416 with Public Counsel for the period November 1, 2011 through October 31, 2012, or an additional amount not to exceed \$90,000, to provide services to homeless veterans.

4. AUTHORIZE that the above allocation of the Council District 13 AB 1290 funds be used to provide legal case management to homeless veterans in Council District 13.
5. NOTIFY Public Counsel that these funds are provided with the understanding that to the extent possible, these funds be used to leverage/match other resources (grants, foundations, etc.).
6. AUTHORIZE the Chief Legislative Analyst to make any technical corrections or clarifications to the above fund transfer instructions in order to effectuate the intent of this Motion and AUTHORIZE the Controller to implement these instructions.

**Adopted, Ayes (10); Absent: Alarcón, Krekorian, LaBonge and Rosendahl (4)
(Item Nos. 22-23)**

ITEM NO. (22) - ADOPTED

[11-1336-S3](#)

CD 9

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

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

1. TRANSFER \$2,200 in the Council District Nine portion of the Special Events Fee Subsidy line item in the General City Purposes Fund No. 100/56 to the General City Purposes Fund No. 100/56, Account No. 000709 (CD-9 Community Services) for support of the October 13, 2011, Art Walk event in the downtown area.
2. AUTHORIZE the City Clerk to make technical corrections as may be necessary to carry-out the intent of the Motion.

ITEM NO. (23) - ADOPTED

[11-1336-S4](#)

CD 14

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

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

1. TRANSFER \$2,200 in the Council District 14 portion of the Special Events Fee Subsidy line item in the General City Purposes Fund No. 100/56 to the General City Purposes Fund No. 100/56, Account No. 000714 (CD-14 Community Services) for additional support of the October 13, 2011, Art Walk event in the downtown area.
2. AUTHORIZE the City Clerk to make technical corrections as may be necessary to carry-out the intent of the Motion.

ITEM NO. (24) - ADOPTED

Adopted, Ayes (12); Absent: LaBonge and Perry (2)

[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.

Recommendation for Council action:

AMEND prior Council action of February 23, 2011 (Council file No. 11-0147), relative to settlement in the cases entitled Martha Awe and Sheheen Awe v. City of Los Angeles, 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, Recommendation No. 2 as follows:

2. AUTHORIZE the City Attorney to draw demands for the total settlement of \$1,750,000, paid as follows:
 - a. \$1,400,000 made payable to the Law Offices of Otto L. Haselhoff, P.C., the Law Offices of Michael P. Ehline, P. C., Mark Cosham and Emely Cooper, Plaintiffs.
 - b. \$250,000 made payable to Jeffrey A. Kaiman and Associates, the Las Offices of Yuhl, Stoner and Carr, LLP and Martha Awe and Sheheen Awe, Plaintiffs.
 - c. \$100,000 made payable to the Law Offices of Raymond Hovsepien, Esq and Cristin Escobar, Planitiff.

ITEM NO. (25) - ADOPTED, AS AMENDED - SEE FOLLOWING

to Adopt as Amended, Ayes (12); Absent: LaBonge and Perry (2)

[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.

Recommendations for Council action:

1. DIRECT the Planning Department, in consultation with the City Attorney, to report with recommendations regarding a fence height district, variance, or such other planning tool as may be appropriate to address the community's desire for higher than normally permitted fences for public safety purposes, within these boundaries: Fountain Avenue on the north, Normandie Avenue on the east, Melrose Avenue on the south, Wilton Place on the west to Santa Monica Boulevard and then running west on Santa Monica Boulevard to Bronson Avenue and then north on Bronson Avenue back to Fountain Avenue, but excluding the Melrose Hill Historic

Preservation Overlay Zone.

2. DIRECT the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, to report with recommendations regarding the feasibility of waiving the collection of fees levied and unpaid for over height fences in the front yards located within the boundaries set forth above. Recommendations should include, but not limited to: 1) pending development of a relief mechanism to permit such over height fences, and waiving such fees upon adoption for properties located within the relief boundaries; and 2) in the alternative, collecting such fees upon the transfer of property title from an existing owner(s) to a new owner(s).

ADOPTED

SUBSTITUTE MOTION (GARCETTI - REYES)

Recommendations for Council action:

1. **DIRECT the Planning Department, in consultation with the City Attorney and the Chief Legislative Analyst, to report with recommendations regarding a fence height district, variance, or such other planning tool as may be appropriate to address the community's desire for higher than normally permitted fences for public safety purposes, within these boundaries: Fountain Avenue on the north, Normandie Avenue on the east, Melrose Avenue on the south, Wilton Place on the west to Santa Monica Boulevard and then running west on Santa Monica Boulevard to Bronson Avenue and then north on Bronson Avenue back to Fountain Avenue, but excluding the Melrose Hill Historic Preservation Overlay Zone.**
2. **DIRECT the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, to report with recommendations regarding the feasibility of waiving the collection of fees levied and unpaid for over height fences in the front yards located within the boundaries set forth above. Recommendations should include, but not be limited to: (1) pending development of a relief mechanism to permit such over height fences, and waiving such fees upon adoption for properties located within the relief boundaries; and (2) in the alternative, collecting such fees upon the transfer of property title from an existing owner(s) to a new owner(s).**

ITEM NO. (26) - ADOPTED

Adopted, Ayes (11); Absent: LaBonge, Perry and Reyes (3)

[11-1725](#)

CD 4

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

Recommendations for Council action:

1. APPROVE the street banner program identifying the Toluca Lake Chamber of Commerce, as a City of Los Angeles Non-Event, Street Banner Program for the period of November 15, 2011 through January 25, 2012.
2. APPROVE the content of the street banners for the above specified event, as attached.

ITEM NO. (27) - ADOPTED

Adopted, Ayes (11); Absent: Krekorian, LaBonge and Rosendahl (3)

[11-1726](#)

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

Recommendation for Council action:

RESOLVE to DECLARE November 4-6, 2011 as Help Feed the Hungry Weekend in the City of Los Angeles.

ITEM NO. (28) - ADOPTED

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

[11-1712](#)

CONTINUED CONSIDERATION OF RESOLUTION (ZINE - PERRY - GARCETTI for LABONGE - GARCETTI) relative to declaring October 2011 as Breast Cancer Awareness Month in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE October 2011 as Breast Cancer Awareness Month in the City of Los Angeles.

(Continued from Council meeting of October 14, 2011)

ITEM NO. (29) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

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

[11-1730](#)

CD 2

FINAL MAP OF TRACT NO. 62945 for property located at 11805 Laurelwood Drive lying easterly of Carpenter Avenue.

(Approve Subdivision Improvement Agreement and Contract with attached security documents)

(ADOPT City Engineer Report)

(ADOPT Bond No. C-119046)

(Quimby Fee: \$84,000)
(Less Dwelling Unit Construction Tax: \$4,800)
Applicants: Laurelwood Village, LLC
Iacobellis & Associates

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

10-1695-S1

MOTION (KORETZ - HUIZAR) relative to amending prior Council action of September 14, 2011 regarding alcohol sales at CVS Pharmacy on 16437 West Ventura Boulevard.

11-1768

MOTION (GARCETTI - ZINE) relative to funding for services in connection with the October 21, 2011 Council District 13 special reception for the 100th Anniversary of Loyola Marymount University in the City Hall Spring Street Forecourt.

11-1776

MOTION (ROSENDAHL - PERRY) relative to funding to repair the sidewalk located at La Tijera Boulevard at Alvern Circle in Westchester.

09-1714-S2

MOTION (ZINE - PARKS) relative a status report to Council in Closed Session on the efforts by Computer Science Services and Google, Inc. towards meeting all LAPD security requirements.

10-0010-S35

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

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

11-1777

RESOLUTION (ENGLANDER - GARCETTI) relative to declaring December 15, 2011 as A Day Without a Bag in the City of Los Angeles.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

11-0004 -S3 - David R. Doan

Englander - Zine

Albert Sweet

Garcetti - Zine for LaBonge - All Councilmembers

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

[11-0003-S3](#) - Beatrice Derks Sparks

Wesson

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

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL