

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **October 26, 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, Krekorian, LaBonge, Parks, Reyes, Rosendahl, Wesson, Zine and President Garcetti (12); Absent: Alarcón and Perry (2)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 21, 2011

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 21

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

Items Noticed for Public Hearing - Items 1-9

ITEM NO. (1) - ADOPTED - SEE FOLLOWING

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

[11-1655](#)

COMMUNICATION FROM THE MAYOR relative to the appointment of Ms. Quyen Vo-Ramirez to the North Valley Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Quyen Vo-Ramirez to the North Valley Area Planning Commission for the term ending June 30, 2016, is APPROVED and CONFIRMED. Ms. Vo-Ramirez resides in Council District Seven. (Current gender composition: M=4; F=1)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT - NOVEMBER 14, 2011

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

(Planning and Land Use Management Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm> for background documents.)

ADOPTED

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the appointment of Ms. Quyen Vo-Ramirez to the North Valley Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Ms. Quyen Vo-Ramirez to the North Valley Area Planning Commission for the term ending June 30, 2016, is APPROVED and CONFIRMED. Ms. Vo-Ramirez resides in Council District Seven. (Current gender composition: M=4; F=1)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 14, 2011

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

ITEM NO. (2) - ADOPTED

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

[09-0677](#)

ADMINISTRATIVE EXEMPTION, TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Port of Los Angeles Tariff No. 4, Section 21, Item No. 2105, Infrastructure Cargo Fee.

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

- 1. FIND that Permanent Order No. 11-7086 amending the Port Tariff to modify various requirements is exempt from the requirements of the California Environmental Quality (CEQA) in accordance with Sections 15273 and 15061(b)(3), of the City's CEQA Guidelines.**
- 2. CONCUR with the Board of Harbor Commissioners' (Board) action taken August 4, 2011, approving Permanent Board Order No. 11-7086 amending Port of Los Angeles Tariff No.4, Section 21, Item No. 2105, Infrastructure Cargo Fee.**
- 3. PRESENT and ADOPT the accompanying ORDINANCE, approving Permanent Board Order No. 11-7086 amending the Port of Los Angeles Tariff No. 4, Section 21, Item No. 2105, Infrastructure Cargo Fee.**

Fiscal Impact Statement: The City Administrative Officer reports that the Port has sufficient funding in its FY 2011-12 Port's Capital Improvement Program and Budget for its contribution to the ICF projects. Any delayed collection of ICF funding may require the Port and the other agencies and companies to borrow more than originally expected to fund the ICF and other capital projects. This project complies with the adopted Financial Policies of the Port. The proposed Amendment will have no impact on the City General Fund and applicable funding will be provided from the Harbor Revenue Fund.

Community Impact Statement: None submitted.

ITEM NO. (3) - ADOPTED

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

11-0809-S7

BUDGET AND FINANCE COMMITTEE REPORT relative to the Investment Report for the month ending August 31, 2011.

Recommendation for Council action:

NOTE and FILE the Investment Report submitted by the Office of Finance for the month ending August 31, 2011.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

**Adopted, Ayes (12); Absent: Alarcón and Perry (2)
(Item Nos. 4-6)**

ITEM NO. (4) - ADOPTED

11-1666

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

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$16,140.36 against property owned by Triyar Companies, 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. (5) - ADOPTED

[11-1667](#)

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

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance (Finance) to record a lien for unpaid taxes in the amount of \$16,374.09 against property owned by Sky Radio Network, 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. (6) - ADOPTED

[08-0178-S13](#)

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to a report from the Mayor regarding the use of the Youth Services Eligibility Tool to screen Gang Reduction and Youth Development (GRYD) Program participants.

Recommendation for Council action, pursuant to Motion (Cárdenas - Reyes):

REQUEST that the Mayor report on the use of the Youth Services Eligibility Tool to screen GRYD Program participants including: who developed the tool, how participants become eligible or are denied services, who conducts the interviews and the training provided to individuals conducting the interviews, the number of participants admitted and denied, the services available and offered to youth who do not qualify for GRYD services, data collection methods, and the process used to determine if the Youth Services Eligibility Tool is an appropriate tool.

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.

ITEM NO. (7) - CONTINUED TO NOVEMBER 1, 2011

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

[11-1677](#)

CD 5

CATEGORICAL EXEMPTION and COMMUNICATION FROM CITY PLANNING COMMISSION relative to an appeal filed by Joe and Orit Picker (Jim Marquez, Representative) from the decision of the Zoning Administrator to deny a Zoning Administrator's Determination to allow continued use and maintenance of a block wall 6 feet 6 inches in height with a 1-foot high light fixture for a total of 7 feet 6 inches located within the front yard setback area of an existing single-family dwelling in lieu of the 3 feet 6 inches otherwise allowed, and an appeal of the Zoning Administrator's decision to not adopt the action of the City in issuing a Notice of Exemption Subsection c, Section 2, Article II, log reference ENV-2010-3095-CE for a Categorical Exemption, Class 3, Category 6, Article III, Section I, City CEQA Guidelines, for property at 3951 Deervale Drive, subject to Conditions of Approval.

Applicant: Joe and Orit Picker

Representative: Jim Marquez ZA-2010-3094-F-1A

TIME LIMIT FILE - NOVEMBER 1, 2011

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 1, 2011)

(Planning and Land Use Management 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.)

(On October 11, 2011, Council adopted Motion [Koretz - Zine] pursuant to Charter Section 245, asserting jurisdiction over the August 11, 2011 action [Letter of Determination dated September 27, 2011] of the South Valley Area Planning Commission.)

Adopted, Ayes (12); Absent: Alarcón and Perry (2)
(Item Nos. 8-9)

ITEM NO. (8) - ADOPTED

[11-1674](#)

CD 11

ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to approval of lease with Korean Air Lines, Ltd. covering an air cargo facility at 6101 West Imperial Highway at Los Angeles International Airport (LAX).

Recommendations for Council action:

1. FIND that this action, as described in the October 4, 2011 Board of Airport Commissioners (Board) report, attached to the Council file, is exempt from the California Environmental Quality Act (CEQA) pursuant to Article III Class 1(18)(c) of the Los Angeles City CEQA Guidelines.

2. APPROVE the Lease with Korean Air Lines, Ltd. at LAX.
3. CONCUR with the Board's action of August 15, 2011 by Resolution No. 24559 authorizing the Executive Director to execute the Lease Agreement with Korean Air Lines, Ltd. covering an air cargo facility at 6101 West Imperial Highway at LAX.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed lease agreement with Korean Airlines, Ltd. will generate approximately \$3,274,000 in revenue during the first year of the agreement and approximately \$53,970,591 (which includes a minimum two percent yearly rental adjustment) for the Los Angeles World Airports over the 15-year term. This lease complies with the Department of Airport's adopted Financial Policies. Approval of the proposed lease agreement will have no impact on the City's General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 3, 2011

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

ITEM NO. (9) - ADOPTED

[11-1736](#)

ADMINISTRATIVE EXEMPTION and TRADE, COMMERCE, AND TOURISM COMMITTEE REPORT relative to a First Amendment to Agreement No. 08-2730 between the City of Los Angeles and Parsons Water and Infrastructure, Inc., for a time extension for construction management services.

Recommendations for Council action:

1. FIND that First Amendment to Agreement No. 08-2730 between the City of Los Angeles and Parsons Water and Infrastructure, Inc., for a time extension for construction management services is exempt from the requirements of the California Environmental Quality (CEQA) under Article II, Section 2(f) of the City's CEQA Guidelines.
2. CONCUR with the Board of Harbor Commissioners' action taken August 4, 2011, approving the First Amendment to Agreement No. 08-2730, assigned Harbor Department Agreement No. 11-2730-A.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the First Amendment to Harbor Department (Port) Agreement No. 08-2730 with Parsons Water & Infrastructure, Inc. to continue providing construction management support services for Berths 136-147 and Berths 100-109 Improvement Projects will extend the term of the contract from by three years, January 15, 2012 to January 15, 2015, for a total of six years. The existing three-year contract includes a total compensation amount not to exceed \$6,758,850. The Port is requesting no additional compensation for the proposed contract amendment. This project complies with the adopted Financial Policies of the Port. The proposed Amendment will have no impact on the City General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 11, 2011

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

Items for Which Public Hearings Have Not Been Held - Items 10-29

(10 Votes Required for Consideration)

ITEM NO. (10) - ADOPTED - TO THE MAYOR FORTHWITH

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

[11-1629](#)

COMMUNICATION FROM THE BOARD OF WATER AND POWER COMMISSIONERS (Board) and ORDINANCE FIRST CONSIDERATION relative to the sale of an easement to the City of Bishop for public roadway and utility purposes.

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

1. CONCUR with the Board action of September 20, 2011, Resolution No. 012-058, authorizing the sale of an easement for public roadway and utility purposes to the City of Bishop, Inyo County, California.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the Board Resolution for the sale of an easement for public roadway and utility purposes to the City of Bishop.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed resolution will result in revenue to the Water Revenue Fund totaling \$5,000. Since the Los Angeles Department of Water and Power is bound only by the City Debt Management Policies, the City Financial Policies are not applicable. Approval of the proposed resolution will have no impact on the General Fund.

Community Impact Statement: None submitted.

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

ITEM NO. (11) - ADOPTED - TO THE MAYOR FORTHWITH

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

[11-1630](#)

COMMUNICATION FROM THE BOARD OF WATER AND POWER COMMISSIONERS (Board) and ORDINANCE FIRST CONSIDERATION relative to the sale of an easement for public highway purposes to the State of California Department of Transportation (Caltrans).

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

1. CONCUR with the Board action of September 20, 2011, Resolution No. 012-057, authorizing the sale of an easement at Wye Road in Bishop, Inyo County, California, to the Caltrans.
2. PRESENT and ADOPT the accompanying ORDINANCE approving the Board Resolution for the sale of an easement for public highway purposes to the Caltrans.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed resolution will result in revenue to the Water Revenue Fund totaling \$5,000. Since the Los Angeles Department of Water and Power is bound only by the City Debt Management Policies, the City Financial Policies are not applicable. Approval of the proposed resolution will have no impact on the General Fund.

Community Impact Statement: None submitted.

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

ITEM NO. (12) - ADOPTED

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

[11-1382](#)
CD 5

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and ORDINANCE FIRST CONSIDERATION relative to the name change request for Constellation Boulevard and Century Park West, from MGM Drive to Solar Way.

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

1. FIND that the proposed name establishment is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5 of the City of Los Angeles Environmental Guidelines.
2. CHANGE the name of the private driveway on Constellation Boulevard and Century Park West, shown on Exhibit A of the August 9, 2011 City Engineer report, attached to the Council file, from MGM Drive to Solar Way.
3. PRESENT and ADOPT the accompanying ORDINANCE changing the name of the private driveway on Constellation Boulevard and Century Park West, from MGM Drive to Solar Way.
4. INSTRUCT the City Clerk to transmit the following:
 - a. A copy of the Ordinance upon publication to the Board of Supervisors of the County of Los Angeles pursuant to Section 34092 of the Government Code.
 - b. A copy of the Council's action on this matter to the Department of Transportation, Citywide Investigation Section, 100 South Main Street, 10th Floor, Caltrans Building, Los Angeles, CA 90012.

Fiscal Impact Statement: The Bureau of Engineering reports that a fee of \$4,494 was collected pursuant to Section 18.09 of the Los Angeles Municipal Code.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (13) - ADOPTED

Adopted, Ayes (12); Absent: Perry and Reyes (2)
(Item Nos. 13a-13g)

11-0005-S624

et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD's report of October 19, 2011:

11-0005-S624

CD 1

- a. Property at 5218 East Longfellow Street (Case No. 301093).
Assessor I.D. No. 5468-013-080

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 9, 2010)

11-0005-S625

CD 9

- b. Property at 1058 West 52nd Street (Case No. 284960).
Assessor I.D. No. 5002-027-030

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 10, 2010)

11-0005-S626

CD 9

- c. Property at 243 East 27th Street (Case No. 338907).
Assessor I.D. No. 5128-001-022

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 11, 2011)

11-0005-S627

CD 13

- d. Property at 1139 North Hyperion Avenue (Case No. 292785).
Assessor I.D. No. 5429-013-026

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

[11-0005-S628](#)

CD 13

- e. Property at 2910 West Marathon Street (Case No. 312887).
Assessor I.D. No. 5401-027-013

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 16, 2011)

[11-0005-S629](#)

CD 14

- f. Property at 465 South Savannah Street (Case No. 24905).
Assessor I.D. No. 5185-012-004

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on June 29, 2006)

[11-0005-S630](#)

CD 15

- g. Property at 22707 South Halldale Street (Case No. 284619).
Assessor I.D. No. 7347-014-012

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 16, 2010)

ITEM NO. (14) - ADOPTED, AS AMENDED - SEE FOLLOWING

Adopted as Amended, Ayes (13); Absent: Perry (1)

[11-1015](#)

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to phasing-out the City's Photo Red Light Program, and related First Supplemental Agreement of the Los Angeles Police Department (LAPD) contract with American Traffic Solutions, Inc. (ATS).

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

1. APPROVE the First Supplemental Agreement with ATS, subject to approval of the City Attorney as to form.
2. EXEMPT the First Supplemental Agreement with ATS from the Arizona policy.
3. AUTHORIZE the LAPD to:
 - a. Transfer \$155,000 from Fund 100/70, Account No. 003040, Contractual Services Account to Department of Transportation Fund 100/94, Account No. 001090, Salaries-Overtime for overtime to remove Photo Red Light equipment.
 - b. Prepare Controller instructions for any necessary technical adjustments consistent with this action, subject to approval of the Office of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

4. REVOKE the City Council's Arizona Policy in light of a reported agreement recently reached between the State of Arizona and a Latino civil rights and advocacy group to end the ban.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there will be no impact to the General Fund for the contract and equipment removal costs to phase out the Photo Red Light Program. If the phase-out is continued for six months, the contract would amount to \$107,290. The Los Angeles Department of Transportation overtime staff costs for equipment removal would amount to \$155,000. These costs will be funded by the Fiscal Year 2011-12 LAPD Contractual Services Account and the avoided contract payments resulting from termination of the Photo Red Light Program.

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (ALARCON - PARKS)

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

1. **DELETE Recommendation No. 4 from the Public Safety Committee Report relative to revoking the City Council's Arizona Police in light of a reported agreement recently reached between the State of Arizona and a Latino civil rights and advocacy group to end the ban.**
2. **INSTRUCT the City Administrative Officer to report to the Budget and Finance Committee relative to the impact of and proposed resolution(s) to the shortfall of Traffic Safety Fund revenue.**

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

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

[10-0226](#)

COMMUNICATION FROM THE BOARD OF PUBLIC WORKS and RESOLUTION relative to the July 2011 Amendment to the Non-Disposal Facility Element (NDFE).

Recommendations for Council action:

1. ADOPT the accompanying RESOLUTION authorizing the July 2011 Amendment to the NDFE.
2. AUTHORIZE the Bureau of Sanitation to submit the NDFE Amendment to the Local Enforcement Agency (Department of Building and Safety) of the California Department of Resources Recycling and Recovery for approval.

Fiscal Impact Statement: The Board of Public Works reports that the July 2011 Amendment to the City NDFE has no fiscal impact.

Community Impact Statement: None submitted.

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

ITEM NO. (16) - ADOPTED

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

[11-1703](#)

COMMUNICATION FROM THE BOARD OF PUBLIC WORKS and RESOLUTION relative to authority to apply for grant funding from the South Coast Air Quality Management District (SCAQMD) to support the Bureau of Sanitation's (BOS) Clean Fuel Program for Solid Resources Collection Vehicles.

Recommendations for Council action:

1. AUTHORIZE the Director of the BOS, or designee, to apply for grant funding; to conduct all negotiations; to provide additional information; and to execute and submit all documents, including, but not limited to, applications, agreements, or amendments, subject to the approval of the City Attorney as to form and legality, which may be necessary to secure the awarded amount from the SCAQMD to support the BOS' Clean Fuel Program for Solid Resources Collection Vehicles in response to its program announcement, PA2012-03 Heavy-Duty Natural Gas Trucks Projects.
2. ADOPT the accompanying RESOLUTION authorizing the submittal of the grant application to the SCAQMD.

Fiscal Impact Statement: The Board of Public Works reports that failure to apply for grant funds from the SCAQMD will limit funding available to support the BOS' Clean Fuel Program. The receipt of grant funds will offset the purchase cost to replace older Class 8 (greater than 33,000 pounds Gross Vehicle Weight Rating) diesel trucks in the BOS' fleet of solid resources collection vehicles, Applying for the SCAQMD program announcement will have no impact to the General Fund since the General Fund does not support the Clean Fuel Program.

Community Impact Statement: None submitted.

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

ITEM NO. (17) - ADOPTED

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

[09-2620-S2](#)

CD 15

ADMINISTRATIVE EXEMPTION and COMMUNICATION FROM THE BOARD OF HARBOR COMMISSIONERS relative to proposed Sixth Amendment to Contract No. 2519 with Kaye Scholer, LLP (Kaye Scholer) for professional and legal services.

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. CONCUR with the Board of Harbor Commissioners action of October 6, 2011 authorizing the Executive Director to execute the Sixth Amendment to Agreement No. 2519 with Kaye Scholer for professional and legal services.

Fiscal Impact Statement: The proposed amendment to agreement with Kaye Scholer increases compensation by \$200,000 to an amount not to exceed \$7,753,679. There is currently \$22,675 remaining authority under Agreement No. 2519, which together with the proposed \$200,000 increase would equal an FY 2011-12 budget for Agreement No. 2519 in the amount of \$222,675. Funding for Agreement No. 2519 has been budgeted in the amount of \$300,000 in the FY 2011-12 Operating Budget, within the Harbor Department City Attorney's Office Account No. 54410, Cost Center No. 0120, Program No. 000, with the balance of \$77,325 to remain in the account. A provision for Termination Due to Non-Appropriation of Funds (funding out clause) is in the existing Agreement. It is anticipated that the funds will be expended within Fiscal Year 2011-12.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 17, 2011

(LAST DAY FOR COUNCIL ACTION - DECEMBER 16, 2011)

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

**Adopted, Ayes (12); Absent: Alarcón and Perry (2)
(Item Nos. 18-20)**

ITEM NO. (18) - ADOPTED

[11-1766](#)

CD 15

GENERAL EXEMPTION and COMMUNICATION FROM THE BOARD OF HARBOR COMMISSIONERS relative to Consent to Assignment and Assumption Agreement between APM Terminals Pacific, Ltd. and California United Terminals, Inc (CUT).

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 the Consent to Assignment and Assumption Agreement between APM Terminals Pacific, Ltd. and California United Terminals, Inc.
3. CONCUR with the Board of Harbor Commissioners (Board) action of October 6, 2011 authorizing the Executive Director to execute the Consent to Assignment and Assumption Agreement between APM Terminals Pacific, Ltd. and California United Terminals, Inc.

Fiscal Impact Statement: Approving the Consent will provide CUT with the option to pursue with the Harbor Department the development of an additional parcel up to 200 acres. The initial financial impact will include the costs (amounts yet to be determined) of the Harbor Department staff and consultants to perform conceptual designs and planning studies with CUT and to perform an environmental assessment of the proposed Pier 500. The financial impact of the proposal to create Pier 500 would be assessed at that time and incorporated into a proposed lease that would be subject to Board approval. Approving the Consent does not commit the Harbor Department to develop Pier 500.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 17, 2011

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 16, 2011)

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

ITEM NO. (19) - ADOPTED

[09-0316](#)
CD 15

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to vacating the alley easterly of McFarland Avenue between E Street and F Street (VAC E1401140).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of June 30, 2009, that the vacation of the alley easterly of McFarland Avenue between E Street and F Street, pursuant to the City of Los Angeles Environmental Guidelines, is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. REAFFIRM the FINDINGS of June 30, 2009, that this vacation is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the accompanying RESOLUTION TO VACATE No.11-1401140 for the vacation of the alley easterly of McFarland Avenue between E Street and F Street.
4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 11-1401140 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

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

ENVIRONMENTAL WORK COMPLETED FOR THIS PROJECT

ITEM NO. (20) - ADOPTED

[09-0504](#)
CD 15

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION relative to vacating the alley westerly of Sanford Avenue between E Street and F Street (VAC E1401137).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of July 22, 2009, that the vacation of the alley westerly of Sanford Avenue between E Street and F Street, pursuant to the City of Los Angeles Environmental Guidelines, is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. REAFFIRM the FINDINGS of July 22, 2009, that this vacation is in substantial conformance with the General Plan pursuant to Section 556 of the Los Angeles City Charter.
3. ADOPT the accompanying RESOLUTION TO VACATE No.11-1401137 for the vacation of the alley westerly of Sanford Avenue between E Street and F Street.
4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 11-1401137 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

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

ENVIRONMENTAL WORK COMPLETED FOR THIS PROJECT

ITEM NO. (21) - ADOPTED

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

[11-0635-S1](#)

CONSIDERATION OF MOTION (ALARCON - ENGLANDER) and RESOLUTION relative to submission of a revised application to the California State Department of Housing and Community Development (HCD) for the Disaster Recovery Initiative (DRI) Grant Program.

Recommendations for Council action, pursuant to Motion (Alarcón - Englander), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the General Manager, LAHD, or designee, to submit a revised application to the State HCD for the DRI Grant Program in collaboration with the Emergency Management Department (EMD), with the changes described in the Motion, and, ADOPT the accompanying RESOLUTION for this purpose.

2. AUTHORIZE the General Manager, LAHD, or designee, and the General Manager, EMD, or designee, to enter into negotiations with the HCD, should the LAHD be successful in its application, in order to finalize the budgets and proposed accomplishments for the grant agreement.

Community Impact Statement: None submitted.

(Housing, Community and Economic Development Committee waived consideration of the above matter)

ITEM NO. (22) - ADOPTED

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

[11-1527](#)

CONSIDERATION OF MOTION (ZINE - WESSON - GARCETTI) relative to requiring merchants to post a sign on or near their spray paint display to include information regarding potential fines and imprisonment for graffiti vandalism.

Recommendation for Council action:

REQUEST the City Attorney to prepare an ordinance requiring merchants to post a sign on or near their spray paint display to include information regarding potential fines and imprisonment for graffiti vandalism and the reward given to individuals who provide information leading to the arrest and conviction of graffiti criminals.

Community Impact Statement: None submitted.

(Public Safety Committee waived consideration of the above matter)

ITEM NO. (23) - ADOPTED

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

[11-1775](#)

CD 4

CONSIDERATION OF MOTION (LABONGE - ROSENDAHL) relative to funding Los Angeles Department of Transportation (LADOT) staff overtime for traffic control during construction of the Cahuenga Boulevard Mainline Replacement Project.

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

1. AUTHORIZE the Los Angeles Department of Water and Power (LADWP) to transfer \$112,000 from Blanket Authority No. 6757-5 (Work Order No. VGQ49) to LADOT Trust Fund 840/94, Account No. 002200 - Miscellaneous Deposits in advance of the project completion for traffic control overtime labor provided by LADOT for traffic control during construction of the Cahuenga Boulevard Mainline Replacement Project.

2. AUTHORIZE the LADOT to:

- a. Transfer funds as needed from Trust Fund 840/94, Account No. 002200 - Miscellaneous Deposit to Fund 100/94, Account No. 001090, Salaries-Overtime for actual overtime labor costs associated with traffic control for the Cahuenga Boulevard Mainline Replacement Project and to credit or reimburse LADWP for any surplus amounts.
- b. Prepare Controller instructions for any necessary technical adjustments consistent with this action, subject to approval of the City Administrative Officer (CAO); and, authorize the Controller to implement the instructions.

Community Impact Statement: None submitted.

(Transportation Committee waived consideration of the above matter)

ITEM NO. (24) - ADOPTED

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

[10-1695-S1](#)

CD 5

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

Recommendation for Council action:

AMEND prior Council action of September 14, 2011 (Council file No. 10-1695-S1) relative to alcohol sales at CVS Pharmacy on 16437 West Ventura Boulevard to CORRECT the address of this location to: 16461 West Ventura Boulevard.

ITEM NO. (25) - ADOPTED

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

[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.

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

TRANSFER/APPROPRIATE \$406 from the Unappropriated Balance Fund No. 100/58 to the General Services Fund No. 100/40, Account No. 1090 (Salaries - Overtime), 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 - said funds to be reimbursed to the General Fund by Loyola Marymount University.

ITEM NO. (26) - ADOPTED

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

[11-1776](#)
CD 11

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

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

1. AUTHORIZE the Bureau of Street Services (BSS) to repair the sidewalk located at La Tijera Boulevard at Alvern Circle in Westchester.
2. AUTHORIZE the Controller to TRANSFER and APPROPRIATE \$24,712 from the Council District 11 Real Property Trust Fund No. 693 to the Department of Public Works, BSS Fund No. 100/86, various accounts as follows:

| <u>Account</u> | <u>Title</u> | <u>Amount</u> |
|----------------|----------------------|---------------|
| 001010 | Salaries, General | \$15,000 |
| 003030 | Construction Expense | 3,000 |
| 003040 | Contractual Services | 4,000 |
| 006020 | Operating Supplies | <u>2,712</u> |
| | Total | \$24,712 |

3. AUTHORIZE the Director, BSS, or designee, to make any technical corrections or clarification as necessary to the above instructions in order to effectuate the intent of this Motion.

ITEM NO. (27) - CONTINUED TO NOVEMBER 2, 2011

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

[09-1714-S2](#)

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

Recommendation for Council action:

INSTRUCT the Information Technology Agency, Chief Administrative Officer, Chief Legislative Analyst, Los Angeles Police Department, and REQUEST the City Attorney to provide a status report to Council, in Closed Session, on the efforts by Computer Science Services, and Google, Inc. toward meeting all LAPD Security requirements.

ITEM NO. (28) - ADOPTED

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

[10-0010-S35](#)

MOTION (GARCETTI - ENGLANDER) relative to reinstating the reward offer in the death of Ila Ali Packman 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 death of Ila Ali Packman (Council action of March 9, 2011, Council file No. 10-0010-S35) for an additional period of six months from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$50,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (29) - CONTINUED TO DECEMBER 2, 2011

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

[11-1777](#)

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

Recommendation for Council action:

RESOLVE to DECLARE December 15, 2011 as A Day Without a Bag in the City of Los Angeles.

Closed Sessions - Items 30-31

ITEM NO. (30) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Adopted in Open Session, Ayes (11); Absent: Perry, Reyes and President Garcetti (3)

[11-0331](#)

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 Teresa Anderson v. City of Los Angeles, United States District Court Case No.: CV 11-0039 JAK (AGRx). (This lawsuit arises from a Los Angeles Police Officer's claims of retaliation and violations of due process against the City of Los Angeles and supervisors within the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on October 17, 2011)

ADOPTED

MOTION (PARKS - ENGLANDER)

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

1. **AUTHORIZE** the City Attorney to expend \$750,000 in settlement of the above-entitled matter from the City Attorney Fund 100, Department 59, Account No. 009770.
2. **AUTHORIZE** the City Attorney to draw a demand thereon in said amount made payable to McNicholas & McNicholas LLP and Teresa Anerson.
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. (31) - NO ACTION TAKEN

[11-1765](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to pending litigation regarding documentary transfer tax collections. (This matter arises from the failure to collect documentary transfer taxes.)

(Budget and Finance Committee to consider the above matter in Closed Session on October 24, 2011)

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

[10-0010-S16](#)

MOTION (HUIZAR - ENGLANDER) relative to reinstating the reward offer in the death of Carlos Perez for an additional six months.

[11-1825](#)

MOTION (ROSENDAHL - REYES - ET AL.) relative to instructing the Department of Aging to report to City Council on how the elimination of Adult Day Health Care (ADHC) funding will impact the centers and their patients in the City of Los Angeles.

[11-1827](#)

MOTION (ZINE - WESSON) relative to funding for the 2011 Canoga Memorial Day Parade in Council District Three.

[11-1823](#)

MOTION (HUIZAR - CARDENAS) relative to installing street banners promoting the Welcome Home Veterans Day Parade on November 13, 2011.

[11-1824](#)

MOTION (HUIZAR - CARDENAS) relative to installing street banners promoting and celebrating the Eagle Rock's 100th Anniversary.

[11-1822](#)

MOTION (HUIZAR - ENGLANDER) relative to initiating street vacation proceedings to vacate Avenue 66 (portion of westerly side).

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.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Motion (LaBonge - Rosendahl) unanimously adopted to excuse Councilmember Reyes to arrive at 11:00 am to Council session of Friday, November 18, 2011, due to City Business.

Upon his request, and without objections, Councilmember Alarcón was excused from Council session of Tuesday, November 29, 2011, due to Personal Business.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[11-0004](#) -S3 - Los Angeles City Historical Society
35th Anniversary

(LaBonge - Garcetti - All Councilmembers)

John Tartaglia

(Garcetti - LaBonge)

Shakira

(Garcetti - LaBonge)

Walter Zifkin

(LaBonge - Rosendahl - Garcetti - All Councilmembers)

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

[11-0003-S3](#) - Lorenzo Angelo Di Carlo

(LaBonge)

Archie B. Savage, Jr.

(LaBonge)

Dennis "Denny" Hall

(LaBonge)

Margaret Tante Burk

(LaBonge)

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

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL