

Los Angeles City Council, **Journal/Council Proceedings**
Friday, **February 3, 2012**
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, Buscaino, Englander, Garcetti, Huizar, Koretz, LaBonge, Perry, Reyes, Zine and President Wesson (11); Absent: Cárdenas, Krekorian, Parks and Rosendahl (4)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JANUARY 31, 2012

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 9

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 1-2

ITEM NO. (1) - PUBLIC HEARING CLOSED - PROTEST DENIED - LIEN CONFIRMED, AS AMENDED - SEE FOLLOWING

To Adopt as Amended, Ayes (12); Absent: Cárdenas, Parks and Rosendahl (3)

[11-1412](#)
CD 2

CONTINUED CONSIDERATION OF HEARING PROTESTS relative to Department of Building and Safety report and confirmation of lien against property located at 11109 North Leolang Avenue, APN 2552-037-007. (Lien: \$2,206.02)

Recommendations for Council action:

1. HEAR PROTESTS relative to non-compliance of code violation and proposed lien to recover the costs of inspection invoices, recorded against property located at 11109 North Leolang Avenue, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Sections 91.103, 98.0411(a) and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, CONFIRM said lien.
2. INSTRUCT the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$2,206.02 on the above referenced property.

(Continued from Council meeting of January 27, 2012)

ADOPTED

MOTION (KREKORIAN - LABONGE)

Recommendations for Council action:

1. **HEAR PROTESTS** relative to non-compliance of code violation and proposed lien to recover the costs of inspection invoices, recorded against property located at 11109 North Leolang Avenue, plus appropriate fees and fines, as authorized by the Los Angeles Municipal Code Sections 91.103, 98.0411(a) and Sections 7.35.3 and 7.35.5 of the Los Angeles Administrative Code, as described in the Building and Safety report, attached to the Council file; and, **CONFIRM** said lien minus \$500.
2. **INSTRUCT** the Department of Building and Safety to deposit to Department 08, Fund 48R, Balance Sheet Account 2200, any payment received against this lien in the amount of \$1,706.02 on the above referenced property.

ITEM NO. (2) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION - SEE FOLLOWING

Adopted to Grant Application, Ayes (13); Absent: Cardenas and Parks (2)

[11-2114](#)

CD 8

CONTINUED CONSIDERATION OF HEARING COMMENTS relative to application for determination of "Public Convenience or Necessity" for alcohol sales for off-site consumption at Plaza Market grocery store located at 106 Manchester Avenue, Los Angeles, 90003.

Chan Hui Yim (Dante Charleston, representative)

TIME LIMIT FILE - MARCH 14, 2012

(LAST DAY FOR COUNCIL ACTION - MARCH 7, 2012)

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

(Continued from Council meeting of January 27, 2012)

ADOPTED

MOTION (PERRY - ZINE)

Recommendations for Council action:

1. **DETERMINE** that the issuance of a liquor license at Plaza Market grocery store located at 106 Manchester Avenue, Los Angeles, 90003, 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 off-site consumption at 106 Manchester Avenue.
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 Not Been Held - Items 3-8

(10 Votes Required for Consideration)

Adopted, Ayes (12); Absent: Cardenas, Parks and Rosendahl (2)
(Item Nos. 3a-3d)

ITEM NO. (3) - ADOPTED

[12-0005-S50](#)

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 January 27, 2012:

[12-0005-S50](#)

CD 8

- a. Property at 8629 South Baring Cross Street (Case No. 302317).
Assessor I.D. No. 6038-022-027

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on September 2, 2010)

[12-0005-S51](#)

CD 10

- b. Property at 1651 South Arlington Avenue (Case No. 261752).
Assessor I.D. No. 5072-032-033

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 27, 2010)

[12-0005-S52](#)

CD 13

- c. Property at 1192 North Myra Avenue (Case No. 289321).
Assessor I.D. No. 5429-009-011

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 26, 2010)

[12-0005-S53](#)

CD 15

- d. Property at 1617 West 224th Street (Case No. 283838).
Assessor I.D. No. 7347-001-022

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 12, 2010)

ITEM NO. (4) - ADOPTED FORTHWITH

Adopted, Ayes (13); Absent: Cardenas and Parks (2)

[12-0149](#)

CD 4

MOTION (LABONGE - GARCETTI) relative to funding for the Good Shepherd Center for Homeless Women & Children.

Recommendations for Council action:

1. ALLOCATE \$100,000 in the AB 1290 Fund No. 53P, Account No. 281204 (CD4 Redevelopment Projects - Services) to the Good Shepherd Center for Homeless Women & Children for any aspect of their services to the community, including capital improvements.
2. DIRECT / AUTHORIZE the City Clerk to prepare the necessary document(s) with, and/or payment(s) to Good Shepherd Center for Homeless Women & Children, or any other agency, organization, or entity, as appropriate, in the above amount, for the above purpose, subject to the approval of the City Attorney, if needed, and AUTHORIZE the Councilmember of the District to execute any such documents on behalf of the City.
3. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of this Motion.

ITEM NO. (5) - ADOPTED

Adopted, Ayes (13); Absent: Cardenas and Parks (2)

[12-0150](#)

CD 7

MOTION (ALARCON - KREKORIAN) relative to funding for the Sylmar Independent Baseball League.

Recommendations for Council action:

1. ALLOCATE \$35,000 in the AB 1290 Fund No. 53P, Account No. 281207 (CD7 Redevelopment Projects - Services) to the Sylmar Independent Baseball League for baseball and recreational programs, baseball diamond repair, scoreboard purchases and installation, administration and other miscellaneous needs of the organization.

2. DIRECT / AUTHORIZE the City Clerk to prepare the necessary document(s) with, and/or payment(s) to Sylmar Independent Baseball League, or any other agency, organization, or entity, as appropriate, in the above amount, for the above purpose, subject to the approval of the City Attorney, if needed, and AUTHORIZE the Councilmember of the District to execute any such documents on behalf of the City.
3. AUTHORIZE the City Clerk to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of this Motion.

**Adopted, Ayes (12); Absent: Cardenas, Parks and Rosendahl (3)
(Item Nos. 6-8)**

ITEM NO. (6) - ADOPTED

[12-0146](#)

CD 12

MOTION (ENGLANDER - GARCETTI) relative to installing street banners identifying the Granada Hills North Neighborhood Council.

Recommendations for Council action:

1. APPROVE the street banner program identifying the Granada Hills North Neighborhood Council, as a City of Los Angeles Non-Event Street Banner Program.
2. APPROVE the content of the Street Banner, as attached to the Council file.

ITEM NO. (7) - ADOPTED

[12-0148](#)

CD 5

MOTION (HUIZAR - KORETZ) relative to initiating street vacation proceedings for an alley located at 10951-55 Wilshire Boulevard.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for an alley located at 10951-55 Wilshire Boulevard.
2. DIRECT the Bureau of Engineering to deem the application complete as submitted.
3. DIRECT the Bureau of Engineering to condition any vacation on the requirement that the vacated street shall remain open to the free travel of emergency vehicles.
4. DIRECT the Bureau of Engineering to present it report regarding the feasibility of vacating the requested area to the Public Works Committee within four months of the date of this motion's adoption.

ITEM NO. (8) - ADOPTED

[11-0688](#)

CD 4

MOTION (LABONGE - GARCETTI) relative to amending prior Council action of November 18, 2011 regarding the San Fernando Road West / Cutter Street / Street Vacation Proceeding - VAC E1401173.

Recommendation for Council action:

AMEND prior Council action of November 18, 2011 (Council file No. 11-0688) relative to the San Fernando Road West / Cutter Street / Street Vacation Proceeding - VAC E-1401173 to ADOPT the following in lieu of Recommendation A contained in the City Engineer's report dated August 25, 2011, relative to this matter, and ADOPT a new condition to the conditions specified in that report, as follows:

Recommendation:

- A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit "B":

A portion of the easterly side of San Fernando Road West at Cutter Street in excess of a ~~60~~ 55 foot right-of-way.

Condition No. 15

That a 5-foot future street easement along San Fernando Road West be reserved from the vacation, along the southwesterly line of the vacation area.

Closed Session - Item 9

ITEM NO. (9) - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Adopted in Open Session, Ayes (13); Absent: Cardenas and Parks (2)

[12-0102](#)

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 First Transit, Inc. a Delaware Corporation v. City of Los Angeles, Los Angeles Superior Court Case No. BC446676. (This matter involves a tax refund lawsuit brought by First Transit, Inc. against the City of Los Angeles for allegedly wrongfully reclassifying its business activities under a Municipal Code section with a higher tax rate.)

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

ADOPTED

MOTION (ENGLANDER - KORETZ)

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

APPROVE settlement of the case entitled First Transit, Inc. a Delaware Corporation v. City of Los Angeles, Los Angeles Superior Court Case No. BC446676, with the following terms:

- a. The City would credit First Transit with \$750,000.00 to be applied to its outstanding tax liabilities until this amount is exhausted. This amount represents the approximate total combined interest and penalties assessed by Office of Finance against Plaintiff for the years 2004 through 2011 plus a portion of the pre judgment interest that Plaintiff would be entitled to receive if the court orders full restitution of the taxes it had paid to the City under protest.
- b. First Transit would agree that its reclassification by the Office of Finance from Section 21.194 to Section 21.187 was correct, retroactive to 2004.
- c. First Transit will continue to report its tax liabilities under Section 21.187 as long as its business model remains the same as it was during the audit period.
- d. If the current audits of MV Transportation, Inc. and Veolia Transportation Services, Inc. result in the classification of these entities under Section 21.194, then the City would reclassify First Transit under Section 21.194 starting in 2012. If the audits result in the reclassification of these entities under Section 21.187 the City need not take any further action.
- e. If the current audits result in the reclassification of these two entities under Section 21.187, but a court of competent jurisdiction subsequently reclassifies MV Transportation, Inc. and Veolia Transportation Services, Inc. under Section 21.194, then the City would reclassify First Transit under Section 21.194 as well without need for further judicial action.
- f. Both terms/conditions “d” and “e” above are predicated on the City having the option to audit First Transit, Inc. before reclassifying it as indicated above.

Item Noticed for Public Hearing - Item 10

ITEM NO. (10) - CONTINUED TO FEBRUARY 10, 2012

Adopted to Continue, Unanimous Vote (11); Absent: Cardenas, Krekorian, Parks and Rosendahl (4)

[09-1271](#)

CD 3

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Valerio Street and Lubao Avenue (Re-Ballot) Lighting District.

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

1. FIND that a majority protest exists 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 January 11, 2012)

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR FRIDAY, FEBRUARY 3, 2012, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH TO THE MAYOR

Findings on Need to Act - Adopted, Ayes (13); Absent: Cárdenas and Parks (2)

Resolution Adopted, Ayes (13); Absent: Cárdenas and Parks (2)

12-0002-S8

RESOLUTION (PERRY for PARKS - LABONGE) relative to City's position on a provision contained in HR 3864, the finance portion of the overall House Authorization Bill (HR 7).

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

RESOLVE to include the City's 2011-12 Federal Legislative Program OPPOSITION to a provision in contained in HR 3864, the finance portion of the overall House transportation authorization bill (HR 7), any other similar legislation, which would stop funding public transit programs out of the Highway Trust Fund and instead fund them through general revenues and would mean that cities would lose billions of dollars of critical federal support for transportation.

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

12-0185

MOTION (PERRY - ZINE) relative to approving a negotiated payment for City services for the National Academy of Recording Arts and Sciences to hold the 2012 Grammy Awards at the Staples Center.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[12-0004](#) - Kent Oda

(Zine - Garcetti)

Girls Scouts 100th Anniversary

(Garcetti - Englander)

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

[12-0003](#) - Patricia Duralde Swearinger

(Perry)

Dr. Jacinto "Jay" Valencia

(Garcetti - All Councilmembers)

Nancy Harwood

(Englander)

Angela Dundee

(LaBonge)

Alarcón, Buscaino, Englander, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Perry, Reyes, Rosendahl, Zine and President Wesson (13); Absent: Cárdenas and Parks (2)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL

Regular meeting recessed at 11:23 a.m.
Special meeting convened at 11:23 a.m.
Special meeting adjourned at 11:32 a.m.
Regular meeting convened at 11:32 a.m.