

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **October 10, 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, Parks, Perry, Reyes, Zine and President Wesson (12); Absent: Cárdenas, Krekorian and Rosendahl (3)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 5, 2012

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

Items Noticed for Public Hearing - Items 1-6

Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)
(Item Nos. 1-6c)

**ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND PRESENT ORDINANCE ON
OCTOBER 31, 2012**

[12-0990](#)
CD 12

HEARING PROTESTS against the proposed improvement and maintenance of the Independence Avenue and Rinaldi Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Independence Avenue and Rinaldi 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 8, 2012 - Continue hearing and present Ordinance on October 31, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND PRESENT ORDINANCE ON OCTOBER 31, 2012

[12-0991](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Wilkinson Avenue and Weddington Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Wilkinson Avenue and Weddington 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 8, 2012 - Continue hearing and present Ordinance on October 31, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND PRESENT ORDINANCE ON OCTOBER 31, 2012

[12-0992](#)

CD 7

HEARING PROTESTS against the proposed improvement and maintenance of the Larkspur Street and El Dorado Avenue Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Larkspur Street and El Dorado Avenue 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 8, 2012 - Continue hearing and present Ordinance on October 31, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (4) - PUBLIC HEARING HELD - CONTINUE HEARING AND PRESENT ORDINANCE ON OCTOBER 31, 2012

[12-0993](#)

CD 15

HEARING PROTESTS against the proposed improvement and maintenance of the Sanford Avenue and "F" Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Sanford Avenue and "F" 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 8, 2012 - Continue hearing and present Ordinance on October 31, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUE HEARING AND PRESENT ORDINANCE ON OCTOBER 31, 2012

[12-0994](#)

CD 6

HEARING PROTESTS against the proposed improvement and maintenance of the Sheldon Street and Rincon Avenue Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Sheldon Street and Rincon Avenue 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 8, 2012 - Continue hearing and present Ordinance on October 31, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (6) - PUBLIC HEARING CLOSED - LIENS CONFIRMED

[11-1959-S1](#)

et al.

HEARING PROTESTS relative to Office of Finance reports requesting approval to record liens against taxpayers for unpaid taxes.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance to record a lien for unpaid taxes in the amounts stated below, pursuant to Los Angeles Municipal Code Section 21.15(o) for the following:

[11-1959-S1](#)

CD 2

a. PDSI Inc. (Lien: \$19,306.73)

[12-1544](#)

CD 5

b. Budget Suites of L.A., LLC (Lien: \$442,535.88)

[12-1545](#)

c. Institutional Shareholder Services, Inc. (Lien: \$89,592.94)

Items for Which Public Hearings Have Been Held - Items 7-9

ITEM NO. (7) - ADOPTED

Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)

[11-1755](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the annual status report for the Volunteer Trust Fund for Fiscal Year (FY) 2011-12.

Recommendation for Council action:

NOTE and FILE the City Clerk's annual status report for the Volunteer Trust Fund for FY 2011-12.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (8) - CONTINUED TO OCTOBER 24, 2012

Adopted to Continue, Ayes (12); Absent: CARDENAS, HUIZAR, ROSENDAHL (3)

[10-1627](#)

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to the approval of Plan Year (PY) 2013 Civilian Modified Flexible Benefits (FLEX) Program and related fourth and fifth year contract extensions with Mercer HR Services to provide Third Party Administrative Services for the FLEX Benefits Plan.

Recommendations for Council action:

1. APPROVE the PY 2013 FLEX Benefits Plan with the modifications outlined in Attachment A of the October 2, 2012 report from the Personnel Department, attached to the Council file.
2. AUTHORIZE the Personnel Department's General Manager to execute the fourth and fifth year contract extensions with Mercer HR Services to provide Third Party Administrative Services for the FLEX Benefits Plan from June 4, 2012 through June 3, 2014.
3. NOTE and FILE the October 2, 2012 status report from the Personnel Department relative to the PY 2013 FLEX Benefits Program.
4. REQUEST that the Personnel Department brief the Personnel and Animal Welfare Committee prior to the release of Request for Proposals for future FLEX Benefits Plan medical plan provider(s).

Fiscal Impact Statement: The Personnel Department reports that the estimated annual savings to the City for a 12-month period is approximately \$12.46 to \$12.96 million. There will be additional costs to conduct another open enrollment including consulting costs, printing costs and staff costs estimated at \$500,000. The Personnel Department will report back to Council regarding the need for any additional funds in a subsequent Financial Status Report.

Community Impact Statement: None submitted.

ITEM NO. (9) - ADOPTED, AS AMENDED - SEE FOLLOWING

Adopted as Amended, Ayes (14); Absent: ROSENDAHL (1)

[12-1287](#)

CD 11

CONTINUED CONSIDERATION OF MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal filed for property located at 16100 West Mulholland Drive.

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

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 12-1287 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2010-2647-MND] filed on August 26, 2011.
2. ADOPT the FINDINGS of the Planning and Land Use Management (PLUM) Committee as the Findings of the Council.
3. RESOLVE TO GRANT IN PART / DENY IN PART THE APPEAL filed by Mark Stratton on behalf of the Bel Air Skycrest Property Owners' Association and the Brentwood Residents Coalition, from part of the determination of the Los Angeles City Planning Commission (LACPC); THEREBY APPROVING a Conditional Use to establish an athletic field in connection with a private school in the RE40-1-H Zone and a Design Review and Project Permit Compliance for the development of an athletic field and athletic facilities for the use of a private school located at 16100 West Mulholland Drive, subject to Conditions of Approval, as modified by the PLUM Committee and attached to the Council file.

Applicant: David Royal, Mirman School
Representative: Kevin K. McDonnell

CPC-2010-3300-CU-ZAA-DRB-SPP

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - OCTOBER 17, 2012

(LAST DAY FOR COUNCIL ACTION - OCTOBER 17, 2012)

(Continued from Council meeting of October 2, 2012)

ADOPTED

AMENDING MOTION (REYES FOR ROSENDAHL - ZINE)

Recommendation for Council action:

ADOPT the attached “Modified Findings” and “Modified Conditions of Approval” in lieu of any other findings and conditions relative to this matter.

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

(10 Votes Required for Consideration)

ITEM NO. (10) - REFERRED TO PUBLIC SAFETY COMMITTEE

Adopted to Refer, Unanimous Vote (14); Absent: ROSENDAHL (1)

[11-1392](#)

COMMUNICATIONS FROM THE CITY ADMINISTRATIVE OFFICER and CITY ATTORNEY and ORDINANCE FIRST PRESENTATION AND CONSIDERATION relative to allowing sworn personnel who are transferred from the Department of General Services to the Los Angeles Police Department (LAPD) to remain in the Los Angeles City Employees' Retirement System (LACERS).

Recommendation for Council action:

PRESENT and ADOPT the accompanying ORDINANCE adding Subsection (c) to Section 4.1002 of Chapter 10 of Division 4 of the Los Angeles Administrative Code to allow sworn peace officer personnel, who provide police services for the City, to maintain membership in the LACERS when their sworn positions are transferred from the Department of General Services' Office of Public Safety into the LAPD.

Fiscal Impact Statement: The City Administrative Officer reports there is no impact to the General Fund. The transfer of sworn peace officers from the Department of General Services to the Los LAPD, while maintaining their LACERS membership, would not create an additional cost to the City of the Los Angeles, as these members would be retaining their LACERS benefits.

Community Impact Statement: None submitted.

(Information Technology and General Services, Public Safety and Budget and Finance Committee's waived consideration of the above matter)

(Continued from Council meeting of October 5, 2012)

[Final adoption cannot occur until at least 30 days after its presentation to the Council, pursuant to Charter Section 1618(b)]

(10 VOTES REQUIRED)

ITEM NO. (11) - REFERRED TO PUBLIC SAFETY COMMITTEE

Adopted to Refer, Unanimous Vote (14); Absent: ROSENDAHL (1)

[11-1392-S1](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to the amendment of the Los Angeles Administrative Code (LAAC) to transfer the building and facilities security services function from the Department of General Services (GSD) to the Los Angeles Police Department (LAPD).

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

PRESENT and ADOPT the accompanying ORDINANCE, which repeals Sections 22.545 and 22.545.1 of the LAAC, and adds Section 22.225.1 to Article 3 of Chapter 11 of Division 22 of the LAAC to transfer the building and facilities security services function from the GSD to the LAPD.

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

Community Impact Statement: None submitted.

(Public Safety and Information Technology and General Services Committees waived consideration of the above matter)

(Continued from Council meeting of October 5, 2012)

ITEM NO. (12) - ADOPTED, AS AMENDED - SEE FOLLOWING

Adopted as Amended, Ayes (13); Absent: HUIZAR, ROSENDAHL (2)

[11-1527](#)

COMMUNICATION FROM CHAIR AND MEMBER, PUBLIC SAFETY COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to requiring the posting of an informational sign where aerosol paint containers and marker pens are sold or displayed.

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

1. PRESENT and ADOPT the accompanying ORDINANCE adding Subsection (c) to Section 49.84.4 of the Los Angeles Municipal Code (LAMC) to require the posting of an informational sign by retail establishments where aerosol paint containers and marker pens are sold or displayed.
2. REQUEST that the City Attorney:
 - a. Modify the first sentence of the language to be posted on the required sign to read as follows: "GRAFFITI VANDALISM IS PUNISHABLE BY UP TO 3 YEARS IN COUNTY JAIL AND/OR A \$50,000 FINE."

- b. With the assistance of the Office of Finance, send cordial written notice of this requirement, with a six-month grace period for compliance, to all retail establishments located in the City of Los Angeles and which sell or display aerosol paint containers and marker pens.

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

Community Impact Statement: None submitted.

ADOPTED

AMENDING MOTION (KREKORIAN - ZINE)

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

DELETE Recommendation No. 2(b) from the Communication from Chair and Member, Public Safety Committee relative to requiring the posting of an informational sign where aerosol paint containers and markers pens are sold or displayed.

ADOPTED

AMENDING MOTION (ENGLANDER - ZINE)

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

PRESENT and ADOPT the attached ORDINANCE in lieu of the ordinance attached to the file.

**Adopted, Ayes (14); Absent: ROSENDAHL (1)
(Item Nos. 13a-13d)**

ITEM NO. (13) - ADOPTED

[12-0005-S520](#)

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 3, 2012:

[12-0005-S520](#)

CD 8

- a. Property at 10521 South Broadway (Case No. 36627).
Assessor I.D. No. 6074-005-005

[12-0005-S521](#)

CD 9

- b. Property at 1773 East 42nd Street (Case No. 341464).
Assessor I.D. No. 5116-026-014

[12-0005-S522](#)

CD 10

- c. Property at 1048 South Redondo Boulevard (Case No. 127372).
Assessor I.D. No. 5067-018-011

[12-0005-S523](#)

CD 13

- d. Property at 2951 West Estara Avenue (Case No. 323708).
Assessor I.D. No. 5458-021-011

**Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)
(Item Nos. 14-15)**

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

[10-1955](#)

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to an additional 2010 Port Security grant award from the Department of Homeland Security for use by the Los Angeles Police Department (LAPD).

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

1. AUTHORIZE the Chief of Police, or designee, to:
 - a. Accept the additional award of \$475,000 for the 2010 Port Security Grant Program from the Department of Homeland Security for the period September 30, 2009 through January 1, 2014.
 - b. Execute an amendment to the Memorandum of Agreement (MOA) between the LAPD and the Marine Exchange of Los Angeles-Long Beach Harbor, the Fiduciary Agent for the Port Security grant, to add the additional grant funds, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the LAPD to spend the additional 2010 Port Security funds, up to the new total grant award amount of \$2,004,000 in accordance with the grant requirements.
3. AUTHORIZE the Controller to increase the amount of the existing grant receivable to \$2,004,000 and increase the appropriation account, Account No. HS55, within Fund No. 339/70, for the disbursements of Port Security Grant Program funds.
4. AUTHORIZE the LAPD to:
 - a. Submit additional grant reimbursement requests to the Fiduciary Agent and deposit grant receipts in Fund No. 339/70.

- b. Prepare Controller instructions for any technical adjustments consistent with this action, subject to the approval of the City Administrative Officer (CAO); and, AUTHORIZE the Controller to implement the instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The above recommendations comply with City financial policies as all grant eligible expenditures are fully covered by the allotted grant funds.

Community Impact Statement: None submitted.

ITEM NO. (15) - ADOPTED

[11-1273](#)

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to the Inmate Welfare Fund Annual Expenditure Report for 2011.

Recommendation for Council action:

APPROVE the Los Angeles Police Department's (LAPD) Inmate Welfare Fund and 2011 Annual Expenditure Report dated September 6, 2012 (attached to the Council file).

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

Community Impact Statement: None submitted.

ITEM NO. (16) - ADOPTED

Adopted, Ayes (14); Absent: ROSENDAHL (1)

[11-1909-S1](#)

COMMUNICATION FROM CHAIR AND MEMBER, PUBLIC SAFETY COMMITTEE relative to the 2012 Forensic Deoxyribonucleic Acid (DNA) Backlog Reduction Program grant award for use by the Los Angeles Police Department (LAPD).

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

1. AUTHORIZE the Chief of Police, or designee, to:
 - a. Retroactively apply for and accept the 2012 DNA Backlog Reduction Program grant award in an amount up to \$1,447,163 from the United States Department of Justice (DOJ), National Institute of Justice (NIJ) for the period October 1, 2012, through March 31, 2014.
 - b. Negotiate and execute the 2012 Forensic DNA Backlog Reduction Program Cooperative Agreement on behalf of the City; submit all necessary documents relative to the grant award; and, to negotiate, execute, and submit any other necessary agreements and documents relative to the grant, subject to the approval of the City Attorney as to form and legality.

- c. Negotiate and amend existing agreements or execute new agreements with existing contract laboratory service providers to expend up to \$450,000 in grant funded contractual service monies, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Controller to:
 - a. Establish a supplemental grant receivable in Account No. 70H533, within Fund 339/70 for the receipt and disbursement of grant funds.
 - b. Increase appropriations, as needed, from Fund 339/70, Account No. 70H533, to Fund 100/70, Account No. 1090 Civilian Overtime by an amount not to exceed \$123,820.
 3. AUTHORIZE the LAPD to:
 - a. Submit grant reimbursement requests to the grantor and deposit grant receipts in the LAPD Grant Trust Fund No. 339/70.
 - b. Spend up to the grant amount of \$1,447,163 in accordance with the grant award agreement.
 - c. Prepare Controller's instructions for any technical adjustments consistent with this action, subject to the approval of the City Administrative Officer (CAO); and REQUEST that the Controller implement the instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The 2012 Forensic DNA Backlog Reduction Program costs are fully reimbursable and acceptance of the grant does not require matching funds. The above recommendations comply with City financial policies inasmuch as one-time revenue is used for one-time expenses.

Community Impact Statement: None submitted.

**Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)
(Item Nos. 17-20)**

ITEM NO. (17) - ADOPTED

[12-0055](#)

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to Los Angeles Police Department contracts with Bode Technology and Orchid Cellmark, Inc., for forensic deoxyribonucleic acid (DNA) analysis services.

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

AUTHORIZE the Chief of Police, or designee, to execute contracts with Bode Technology and Orchid Cellmark, Inc., for forensic DNA analysis services, and to expend previously accepted grant monies in a total amount not to exceed \$2,440,300, for terms of July 1, 2012, through March 31, 2014, with the option to extend the terms of the agreements for up to three additional one-year periods, subject to the approval of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that this action will not impact the General Fund. The grant funds designated for these contracts were previously approved by the Mayor and the Council and are fully reimbursable. The above recommendations comply with City financial policies as one-time revenue is used for one-time expenses.

Community Impact Statement: None submitted.

ITEM NO. (18) - ADOPTED

[12-0069-S2](#)

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to the activities and status of the Los Angeles Police Department's Supplemental Police Account.

Recommendation for Council action:

NOTE and FILE the Board of Police Commissioners report to Council dated September 13, 2012 (attached to the Council file), relative to the status and activities of the Supplemental Police Account for the period April through June, 2012.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (19) - ADOPTED

[11-0600-S3](#)

COMMUNICATION FROM CHAIR, TRADE, COMMERCE AND TOURISM COMMITTEE relative to the relationship between Ontario Airport and the Ontario community on the Fiscal Year (FY) 2011-12 Budget.

Recommendation for Council action:

NOTE and FILE the FY 2011-12 Adopted Budget Recommendation relative to the relationship between Ontario Airport and the Ontario community.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (20) - ADOPTED

[11-1974](#)

COMMUNICATION FROM CHAIR, TRADE, COMMERCE AND TOURISM COMMITTEE relative to establishing refrigerated/cold storage facilities as well as other commercial cargo facilities at LA/Ontario International Airport (LA/ONT) to handle more international shipments and to relieve congestion and the burden of cargo shipments coming through the Los Angeles International Airport.

Recommendations for Council action:

1. REQUEST that the City should promote policies to encourage air cargo exports to South America, to make it economically feasible to increase shipments of flowers and other perishables to Southern California. This may include policies to provide non-aviation subsidies to airlines or air freight companies engaged in the import of perishable cargo.
2. INSTRUCT Los Angeles World Airports (LAWA) to:
 - a. Continue to be mindful of the potential for cargo development at LA/ONT and explore options to lease vacant land for cargo facilities, and issue another RFP for cargo development when the market conditions suggest a new lease would be viable.
 - b. Include South American cargo carriers in its marketing program for LA/ONT.

Fiscal Impact Statement: None submitted by LAWA. 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. (21) - ADOPTED, AS AMENDED - SEE FOLLOWING

Adopted as Amended, Ayes (12); Noes: ALARCON, CARDENAS (2); Absent: ROSENDAHL (1)

[12-0123](#)
[12-0123-S1](#)

COMMUNICATION FROM CHAIR, TRADE, COMMERCE AND TOURISM COMMITTEE relative to alternatives for increasing passenger traffic or possible sale/transfer of LA/Ontario International Airport (LA/ONT).

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

1. RESPECTFULLY DECLINE the City of Ontario's December 2011 conceptual proposal to transfer the operations of and fee title to the LA/ONT to the City of Ontario.
2. INSTRUCT the City Administrative Officer (CAO) to facilitate negotiations between Los Angeles World Airports (LAWA), City of Ontario, County of San Bernardino, Ontario International Airport Authority, and other primary stakeholders to determine the most effective and appropriate ownership and management alternative, and the assigned value of such alternative, for LA/ONT.
3. REQUEST LAWA and DIRECT the CAO to report back every 90 days on the result of the meetings with the City of Ontario and other stakeholders.

Fiscal Impact Statement: The CAO reports that approval of the sale or lease of LA/ONT, or establishment of a new Joint Powers Authority, may impact the City's General Fund, LAWA's budget, or both, depending upon the options that are selected. Any proceeds from the sale of LA/ONT, outside of the FAA Pilot Program, should go to LAWA in order to avoid a diversion of airport revenue - a violation of federal aviation law. A final determination as to fiscal impact will depend upon any changes to the existing LA/ONT ownership arrangement.

Community Impact Statement: None submitted.

(The City Council may recess into closed session pursuant to Government Code Section 54956.8 in order to confer with its negotiator the CAO in relation to price, valuation and terms of the City of Ontario's proposal to transfer ownership and control of LA/ONT back to the City of Ontario. The City Council may also recess into Closed Session pursuant to Government Code Section 54956.9(b)(3)(B) in order to confer with legal counsel regarding significant exposure to litigation in relation to the City of Ontario's proposed transaction concerning LA/ONT.)

ADOPTED

AMENDING MOTION (ALARCON - ZINE)

Recommendation for Council action, as initiated by Motion (Zine - Rosendahl - Koretz):

INSTRUCT the City Administrative Officer and the Los Angeles World Airport to include in the report back to Council alternatives that will provide greater coordination, including changes in aviation facilities governance, for aviation facilities governance, for aviation services in the region with specific goals for regional aviation, traffic mitigation, air quality, employment, and economic development.

**Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)
(Item Nos. 22-25)**

ITEM NO. (22) - ADOPTED

12-1480

CATEGORICAL EXEMPTION, COMMUNICATION FROM CHAIR, TRADE, COMMERCE AND TOURISM COMMITTEE and relative to proposed successor Permit No. 870 with Southern California Gas Company for the operation and maintenance of an existing subsurface pipeline right-of-way for delivery of natural gas to the surrounding community.

Recommendations for Council action:

1. ADOPT the determination by the Los Angeles Harbor Department (Port) that the proposed action is exempt under the California Environmental Quality Act (CEQA) as provided in Article III, Class 1(14) of the Los Angeles City CEQA Guidelines.
2. APPROVE the successor Permit 870 with Southern California Gas Company.

Fiscal Impact Statement: The City Administrative Officer reports that approval of the proposed successor Agreement between the Harbor Department and the Southern California Gas Company (SCG) will allow for the lease of approximately 3,138 square feet of subsurface land at \$22 per acre to SCG for the use and maintenance of an existing subsurface, high-pressure gas pipeline right-of-way. The Port will receive \$3,452 in compensation per year or approximately \$69,000 over a 20-year contract term. Funds will be deposited into the Harbor Revenue Fund. There is no impact on the City General Fund.

Community Impact Statement: None submitted.

TIME LIMIT FILE - OCTOBER 14, 2012

(LAST DAY FOR COUNCIL ACTION - OCTOBER 12, 2012)

ITEM NO. (23) - ADOPTED

[10-0236](#)

CD 9

COMMUNICATION FROM THE CITY CLERK relative to Fiscal Year 2012 Annual Planning Report for the South Los Angeles Industrial Tract Property-Based Business Improvement District (PBID).

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the South Los Angeles Industrial Tract Business Improvement District's 2012 fiscal year complies with the requirements of the Landscaping, Security, Programming and Maintenance PBID Ordinance.
2. ADOPT the attached Annual Planning Report for the South Los Angeles Industrial Tract Business Improvement District's 2012 fiscal year, pursuant to the Landscaping, Security, Programming and Maintenance PBID Ordinance.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (24) - ADOPTED

[11-0238](#)

CD 5

COMMUNICATION FROM THE CITY CLERK relative to Fiscal Year (FY) 2012 Annual Planning Report for the Westwood Property-Based Business Improvement District (BID).

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Westwood BID's 2012 FY complies with the requirements of the State Law.
2. ADOPT the attached Annual Planning Report for the Westwood BID, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (25) - ADOPTED

[11-0785](#)

CD 6

COMMUNICATION FROM THE CITY CLERK relative to Fiscal Year (FY) 2012 Annual Planning Report for the Panorama City Business Improvement District (BID).

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Panorama City BID's 2012 FY complies with the requirements of the State Law.
2. FIND that the adjustments in the 2012 budget concur with the intentions of the Panorama City BID'S Management District Plan and does not adversely impact the benefits received by assessed property owners.
3. ADOPT the attached Annual Planning Report for the Panorama City BID's 2012 FY, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (26) - ADOPTED

Adopted, Ayes (14); Absent: ROSENDAHL (1)

[12-0855](#)

CD 11

COMMUNICATION FROM THE CITY CLERK relative to Fiscal Year (FY) 2012 Annual Planning Report for the Brentwood Village Property-Based Business Improvement District (BID).

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Brentwood Village BID's 2012 FY complies with the requirements of the State Law.
2. ADOPT the attached Annual Planning Report for the Brentwood Village BID's 2012 FY, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

**Adopted, Ayes (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)
(Item Nos. 27-28)**

ITEM NO. (27) - ADOPTED

[12-1543](#)

CD 2

COMMUNICATION FROM THE CITY CLERK relative to Fiscal Year's (FY) 2011 and 2012 Annual Planning Report for the Studio City Business Improvement District (BID).

Recommendations for Council action:

1. FIND that the attached Annual Planning Report for the Studio City BID's 2011 and 2012 FY complies with the requirements of the State Law.
2. FIND that the adjustments in the 2011 and 2012 budgets concur with the intentions of the Studio City BID's Management District Plan and does not adversely impact the benefits received by assessed property owners.
3. ADOPT the attached Annual Planning Report for the Studio City BID's 2011 and 2012 FY, pursuant to the State Law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (28) - ADOPTED

[12-0602-S2](#)

CONSIDERATION OF MOTION (GARCETTI - PARKS) relative to extending the Workforce Investment Board of the City of Los Angeles (WIB)/Local Elected Officials (LEO) Agreement by an additional six months from October 16, 2012 to April 16, 2013.

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

APPROVE the extension of the WIB-LEO Agreement by an additional six months from October 16, 2012 to April 16, 2013.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (29) - REFERRED TO ENERGY AND ENVIRONMENT COMMITTEE

Adopted to Refer, Unanimous Vote (12); Absent: CARDENAS, KREKORIAN, ROSENDAHL (3)

[12-0002-S48](#)

CONTINUED CONSIDERATION OF RESOLUTION (KORETZ - GARCETTI) relative to the City's position on legislative and administrative action which would stop the proposed expansion onto federal public lands of the Coal Hollow strip mine in Alton, Utah.

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

ADOPT the accompanying RESOLUTION to include in the City's 2012-13 Federal Legislative Program, SUPPORT for legislative and administrative action which would stop the proposed expansion onto federal public lands of the Coal Hollow strip mine in Alton, Utah, and would urge the Department of Interior to select the "No Action" alternative identified in the Draft Environmental Impact Statement on this matter, and withdraw the site for coal leasing permanently.

Community Impact Statement: None submitted.

(Rules, Elections and Intergovernmental Relations Committee waived consideration of the above matter)

(Continued from Council meeting of September 26, 2012)

Items Called Special

Public Testimony on Non-agenda Items Within Jurisdiction of Council

Motions for Posting and Referral

Councilmembers' Requests for Excuse from Attendance at Council Meetings

Closed Sessions - Items 30-31

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

Adopted in Open Session, Ayes (14); Absent: ROSENDAHL (1)

[12-1485](#)

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 Susan Posch et al. v. City of Los Angeles, Los Angeles Superior Court (LASC) Case No. BC456947, consolidated with Tori Horowitz et al. v. City of Los Angeles, LASC Case No. BC 456973. (This case arises from an inverse condemnation action involving flood damage to two residential properties in the Hollywood Hills.)

(Budget and Finance Committee considered the above matter in Closed Session on October 1, 2012)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

- 1. APPROVE a payment of \$654,520 in settlement of Plaintiffs' claims in the above-entitled matter.**
- 2. AUTHORIZE the City Attorney to execute a Settlement Agreement and all other documents necessary to implement the settlement.**
- 3. AUTHORIZE the City Attorney to draw the necessary demand from the Liability Claims Fund 100/59, Account 009770 in the amount of \$408,130 payable to Tori Horowitz, Jonas Von Studnitz and the Law Offices of Joseph Liebman Client Trust Account.**
- 4. AUTHORIZE the City Attorney to draw the necessary demand from the Liability Claims Fund 100/59, Account 009770 in the amount of \$246,390 payable to Susan Posch, Scott King and the Law Offices of Joseph Liebman Client Trust Account.**
- 5. DIRECT the Bureau of Sanitation to construct a storm drain to carry drainage from Brier Drive to Kirkwood Drive on an emergency basis to be completed by January 1, 2013, if possible, but no later than June of 2014.**
- 6. REQUEST the City Attorney to include in the terms of the Settlement Agreement the requirement for Plaintiffs to build the necessary retaining walls within a specified time period.**

This matter was approved by the Budget and Finance Committee (Krekorian - Englander - Koretz "yes") at its meeting on October 1, 2012, in Closed Session as permitted by Government Code Section 54956.9(a).

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

Adopted in Open Session, Ayes (14); Absent: ROSENDAHL (1)

[12-1513](#)

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 Nir Bendavid, et al. v. City of Los Angeles, Los Angeles Superior Court Case No. BC 469528. (This matter involves settlement of an inverse condemnation claim for damages caused by blockages in the City's storm drains and catch basins along the 7400 block of Melrose Avenue between Vista and Martel Streets.)

(Budget and Finance Committee considered the above matter in Closed Session on October 1, 2012)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

1. **APPROVE** a total payment of \$123,500 in full settlement of the above-entitled matter as to all plaintiffs.
2. **AUTHORIZE** the City Attorney to execute a Settlement and Release Agreement and all other documents necessary to implement the settlement.
3. **AUTHORIZE** and **DIRECT** the Chief Accounting Officer, Department of Public Works, to draw the necessary demand warrant payable to "Merlin Law Group, P.A., Client Trust Account" from the Stormwater Pollution Abatement Fund No. 511, Department 50, Account No. 50G259.

This matter was approved by the Budget and Finance Committee (Krekorian - Englander-Koretz "yes") at its meeting on October 1, 2012, in Closed Session as permitted by Government Code Section 54956.9(a).

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

[12-0010-S43](#)

CD 9

MOTION (PERRY - PARKS) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the murder of Keith Marshall on October 4, 2012.

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

[12-0003-S3](#) - William Matthew Brent Sr.

(Perry - All Councilmembers)

Alarcón, Buscaino, Englander, Garcetti, Koretz, LaBonge, Parks, Perry, Reyes, Zine and President Wesson (11); Absent: Cárdenas, Huizar, Krekorian and Rosendahl (4)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL