

Los Angeles City Council, **Journal/Council Proceedings**  
Tuesday, **October 2, 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: Buscaino, Englander, Huizar, Koretz, LaBonge, Parks, Perry, Reyes, Rosendahl, Zine and President Wesson (11); Absent: Alarcón, Cárdenas, Garcetti, Krekorian (4)**

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF  
SEPTEMBER 25, 2012

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 15

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

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## **Items Noticed for Public Hearing - Items 1-2**

### **ITEM NO. (1) - SEE BELOW**

[10-0762](#)  
et al.

CONTINUED CONSIDERATION OF HEARING PROTEST, APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to Los Angeles Municipal Code (LAMC) and/or Los Angeles Administrative Code (LAAC).

Recommendation for Council action:

HEAR PROTEST, APPEALS OR OBJECTIONS relative to proposed lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs provided for under the LAMC and the LAAC and CONFIRM said lien for the following properties:

### **PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[10-0762](#)  
CD 7

- a. 10351 North San Fernando Road, aka 10365 North San Fernando Road. (Lien: \$2,590.68)

**PUBLIC HEARING CLOSED - RECEIVED AND FILED - INASMUCH AS LIEN HAS BEEN PAID**

**Adopted to Receive and File, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[10-0966](#)

CD 15

b. 1268 West Pacific Coast Highway. (Lien: \$603.00)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[10-1339](#)

CD 5

c. 1611 South Bedford Street. (Lien: \$718.00)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0706](#)

CD 6

d. 9000 North Woodman Avenue. (Lien: \$1,167.15)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0707](#)

CD 13

e. 4401 West Melrose Avenue, aka 4411 West Melrose Avenue. (Lien: \$8,911.14)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0866](#)

CD 14

f. 3406 East Union Pacific Avenue. (Lien: \$3,761.04)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED WITH A REDUCED AMOUNT OF \$805.60**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0867](#)

CD 15

g. 110 West Imperial Highway. (Lien: \$3,139.57)

**PUBLIC HEARING CLOSED - RECEIVED AND FILED - INASMUCH AS LIEN HAS BEEN PAID**

**Adopted to Receive and File, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0868](#)

CD 8

h. 10117 South Figueroa Street.

(Lien: \$1,697.25)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0870](#)

CD 13

i. 1132 North Hyperion Avenue.

(Lien: \$5,831.45)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0871](#)

CD 14

j. 5106 East Valley Boulevard.

(Lien: \$7,329.84)

**PUBLIC HEARING CLOSED - LIEN CONFIRMED WITH A REDUCED AMOUNT OF \$6,698.15**

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0872](#)

CD 6

k. 7640 North Sepulveda Boulevard, aka 7646 North Sepulveda Boulevard.

(Lien: \$8,182.05)

**PUBLIC HEARING CLOSED - RECEIVED AND FILED - INASMUCH AS LIEN HAS BEEN PAID**

**Adopted to Receive and File, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0620](#)

CD 9

l. 877 West 47th Street, aka 875 West 47th Street.

(Lien: \$1,605.98)

**PUBLIC HEARING CLOSED - MOTION ADOPTED - SEE FOLLOWING**

**Adopted, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[12-0844](#)

CD 2

m. 10225 North Silverton Avenue.

(Lien: \$603.00)

(Continued from Council meeting of September 25, 2012)

**ADOPTED**

**MOTION (KREKORIAN - ROSENDAHL)**

**Recommendation for Council action:**

**INSTRUCT the Department of Building and Safety to discontinue enforcement at 10225 North Silverton Avenue, as long as the property owner continues to make payments of \$100 per month until the amount owed is paid in full.**

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

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)**

[12-0600-S157](#)

CONTINUED CONSIDERATION OF COMMUNICATION FROM CHAIR AND MEMBER, BUDGET AND FINANCE COMMITTEE relative to the 2012-13 Appropriation Limit.

Recommendations for Council action:

1. ADOPT the following factors to be used to calculate the appropriations limit for 2012-13:

Population:	City	0.43 percent
California Per Capita Income:		3.77 percent

2. RESERVE the right to re-calculate the appropriations limit for each year at such time as State legislation is enacted (or other information is available) to determine factors to be used to calculate the annual change in nonresidential new construction.
3. ADOPT \$4,554,024,205 as the appropriations limit for 2012-13.

Fiscal Impact Statement: The City Administrative Officer reports there is no fiscal impact in adopting this report.

Community Impact Statement: None submitted.

(Continued from Council meeting of September 25, 2012)

## Items for Which Public Hearings Have Been Held - Items 3-7

Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)  
(Item Nos. 3-4)

### ITEM NO. (3) - ADOPTED

[12-1041](#)  
CD 15

PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the San Pedro Historic Waterfront Business Improvement District (BID), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, if the tabulation of ballots indicates majority support, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the San Pedro Historic Waterfront Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.
2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and the San Pedro Property Owners' Alliance, a nonprofit management entity, for administration of the BID.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the District and will be recovered from assessments collected.

Assessments levied on the thirty City-owned properties controlled by the City of Los Angeles within the District to be paid from the General Fund total \$62,605.13 for the first year of the District. Funding is available in the Business Improvement District Trust Fund 659 to pay the General Fund share of assessments for the first operating year. Assessments levied on the nine City-owned properties controlled by the Harbor Department and the one property owned by the former Community Redevelopment Agency within the District will not impact the General Fund.

(Pursuant to Council action on Tuesday, September 25, 2012 and adoption of Ordinance No. 182,188 on July 31, 2012.)

### ITEM NO. (4) - ADOPTED

[12-1042](#)  
CD 4

PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Village at Sherman Oaks Property and Business Improvement District (District), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, if the tabulation of ballots indicates majority support, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the Village at Sherman Oaks Property and Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.
2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and the Village at Sherman Oaks, Incorporated, for administration of the District.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the District and will be recovered from assessments collected.

There are currently no City-owned, real properties included in the list of properties to be assessed within the boundaries of the District, as disclosed in the Management District Plan and as required under existing state PBID legislation. Therefore, there is no impact to the General Fund.

(Pursuant to Council action on Tuesday, September 25, 2012 and adoption of Ordinance No. 182189 on July 31, 2012.)

**ITEM NO. (5) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Adopted as Amended, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[12-1168](#)

CDs 9 & 14

PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Greater South Park Property and Business Improvement District (District), pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

Recommendations for Council action, if the tabulation of ballots indicates majority support, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE establishing the Greater South Park Property and Business Improvement District and confirming the assessments to be levied upon properties within the BID, as described in the Management District Plan.
2. AUTHORIZE the City Clerk, subject to approval of the City Attorney, to prepare, execute and administer an operating agreement between the City and the South Park Stakeholders Group, Incorporated, for administration of the District.

Fiscal Impact Statement: The City Clerk reports that direct costs associated with Department administrative expenses will be charged to the District and will be recovered from assessments collected.

There are currently six City-owned, real properties included in the list of properties to be assessed within the boundaries of the District, as disclosed in the Management District Plan and as required under existing state PBID legislation. Assessments levied on the four City-owned properties within the District to be paid from the General Fund total \$86,018.30 for the first year of the District.

Funding is available in the Business Improvement District Trust Fund 659 to pay the General Fund share of assessments for the first operating year. Assessments levied on the DWP property and the City-owned property leased to the Staples Center within the District will not be paid from the General Fund.

(Pursuant to Council action on Tuesday, September 25, 2012 and adoption of Ordinance No. 182212 on August 7, 2012.)

## **ADOPTED**

### **AMENDING MOTION (HUIZAR - KORETZ)**

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

- 1. ADOPT the attached amended Management District Plan and Engineer's Report dated October 2nd (in lieu of any other management district plan or engineer's report attached to the file.)**
- 2. AUTHORIZE the City Clerk to make technical changes to the relevant documents associated with this action, as needed and as appropriate, to reflect the amendments contained in this Motion.**

## **ITEM NO. (6) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Adopted as Amended, Ayes (13); Absent: ALARCON, GARCETTI (2)**

### [12-0600-S161](#)

CONTINUED CONSIDERATION OF BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to require all auto park operators to post a bond to secure payment of delinquent parking occupancy taxes.

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

PRESENT and ADOPT the accompanying ORDINANCE relative to amending Section 21.15.6 of Chapter II, Article 1.15, Parking Occupancy Tax, of the LAMC to require all auto park operators to post a bond to secure payment of delinquent parking occupancy taxes, and amending Section 21.15.13 of Chapter II, Article 1.15 of the LAMC to allow the City to pursue all persons responsible for collecting and remitting the parking occupancy taxes to the City.

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.

(Continued from Council meeting of September 18, 2012)

**ADOPTED**

**MOTION (ZINE - KREKORIAN)**

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

1. **AMEND** the Budget and Finance Committee report as part of the ordinance amending Section 21.15.6 (d) 1 of the Los Angeles Municipal Code, to substitute the Bond Requirement Chart (attachment A) for the chart presently included in the City Attorney's proposed ordinance.
2. **AMEND** the Budget and Finance Committee report to add a section to the ordinance that would provide an incentive to operators who attain a preferred operator status. The preferred status would be achieved by remitting the appropriate amount of taxes over at least three years.

**Preferred Operator Status Incentive**

Reduce the required bond values for those operators who, for three consecutive years, remit the appropriate amount of Parking Occupancy Tax to the City. After three years the mandated bond value to be reduced from 100 percent to 75 percent. If appropriate remittance occurs for an additional two years (a total of five consecutive years) the bond amount shall be reduced to 50 percent. The bond amount shall remain at 50 percent as long as the operator continues to report timely and accurately. If at any time the operator remits payments delinquent, the bond value will revert to the 100 percent requirement until a new three year reporting record is achieved.

3. **EXEMPT** Official Police Garages from the bond requirement.
4. **INSTRUCT** the Office of Finance, with the assistance of the City Attorney, to report to Council relative to the following:
  - a. The feasibility of allowing parking lot operators to submit a Letter of Credit in lieu of securing a bond.
  - b. Implementing a Master Bond Policy wherein the parking operator can schedule multiple parking lots and bond values.

**ADOPTED**

**AMENDING MOTION (ZINE - KREKORIAN)**

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



1. **AMEND Motion 6A (Zine - Krekorian) to STRIKE Recommendation No. 2 relative to adding a section in the ordinance that would provide an incentive to operators who attain a preferred operator status.**
2. **INSTRUCT the Office of Finance, with the assistance of the City Attorney, to report to Council relative to the feasibility of providing incentives to operators who attain good operator status and remit the appropriate amount of Parking Occupancy Tax to the City.**

**ITEM NO. (7) - ADOPTED - FORTHWITH**

**Adopted, Ayes (9); Noes: ENGLANDER, PARKS, PERRY, ZINE (4); Absent: ALARCON, GARCETTI (2)**

[12-1504](#)

ORDINANCE SECOND CONSIDERATION relative to the rates fixed by the Los Angeles Department of Water and Power (LADWP) to be charged for electrical energy distributed and for service supplied by LADWP to its customers and approval of the time and manner of payment.

(Continued from Council meeting of September 25, 2012)

**Items for Which Public Hearings Have Not Been Held - Items 8-17**

(10 Votes Required for Consideration)

**ITEM NO. (8) - NO ACTION TAKEN**

[11-1737-S2](#)

COMMUNICATION FROM THE CITY CLERK relative to certification of sufficiency of a referendum petition to repeal Ordinance No. 182190 (Medical Marijuana).

Recommendation for Council action:

A. REPEAL Ordinance No. 182190.

or

B. DETERMINE to submit the Ordinance to a vote of the qualified electors of the City for approval or rejection at the City's regularly-scheduled Primary Election scheduled for March 5, 2013.

Fiscal Impact Statement: The City Clerk reports there is no fiscal impact for adopting Recommendation No. A of the report and zero to minimal cost for adopting Recommendation No. B of the report. However, if Council chooses to place the measure before the voters in a special stand-alone election, the cost of that election is estimated to be \$4,000,000.

Community Impact Statement: None submitted.

TIME LIMIT FILE - OCTOBER 5, 2012

(LAST DAY FOR COUNCIL ACTION - OCTOBER 5, 2012)

(Pursuant to Charter Section 462, Council must take one of the actions within 20 days of the Certificate of Sufficiency)

The City Council may recess to Closed Session in order to confer or discuss with, or receive advice from, its legal counsel, pursuant to Government Code Section 54956.9(b)(3)(E), significant exposure to litigation based upon statements threatening litigation in relation to the City's medical marijuana Ordinance; and, pursuant to Government Code Section 54956.9(a), regarding pending litigation in cases entitled Americans for Safe Access et al. v. City of Los Angeles, Los Angeles Superior Court (LASC), Lead Case No. BC 433942 (and all related actions); The People of the State of California v. Natural Ways Always, et al. / Natural Ways Always, Inc. v. City of Los Angeles, et al. LASC Case No. BC 460799 (and related cases); Doe I, et al. v. City of Los Angeles, LASC Case No. BC480010; Patient Care Alliance v. City of Los Angeles, LASC Case No. BC490484 (and all related actions), New Era Caregivers v. City of Los Angeles, LASC Case No. BS138882; Kure L.A. Caregivers v. City of Los Angeles, LASC Case No. BC491681; and So Cal Co-Op, Inc. v. City of Los Angeles, LASC Case No. pending.

(The pending litigation includes more than 50 separate lawsuits and crosscomplaints filed against the City by medical marijuana dispensaries, owners, operators, and patients. The lawsuits challenge the City's medical marijuana ordinance on a wide variety of legal grounds and seek to enjoin enforcement of the City's ordinance. There are seven cases currently pending in Los Angeles Superior Court specifically relating to the City's most recent medical marijuana ordinance, Ordinance No. 182190.)

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

**Adopted, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[12-1083](#)

CD 13

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of PEPE AGUILAR on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Pepe Aguilar at 7060 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

(Continued from Council meeting of September 25, 2012)

**Adopted, Ayes (12); Absent: ALARCON, CARDENAS, GARCETTI (3)  
(Item Nos. 10-14)**

**ITEM NO. (10) - ADOPTED**

[12-1353](#)

CD 13

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of WALTER KOENIG on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Walter Koenig at 6679 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

(Continued from Council meeting of September 25, 2012)

**ITEM NO. (11) - ADOPTED**

[12-1354](#)

CD 13

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of RASCAL FLATTS on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Rascal Flatts at 6664 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

(Continued from Council meeting of September 25, 2012)

**ITEM NO. (12) - ADOPTED**

[12-1355](#)

CD 13

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of ELLEN DEGENERES on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Ellen Degeneres at 6270 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

(Continued from Council meeting of September 25, 2012)

**ITEM NO. (13) - ADOPTED**

[12-1356](#)

CD 13

CONTINUED CONSIDERATION OF COMMUNICATION FROM THE CITY ENGINEER relative to the installation of the name of VINCE GILL on the Hollywood Walk of Fame.

Recommendation for Council action:

APPROVE the installation of the name of Vince Gill at 6901 Hollywood Boulevard.

Fiscal Impact Statement: The City Engineer reports that there is no General Fund impact.

(Continued from Council meeting of September 25, 2012)

**ITEM NO. (14) - ADOPTED**

[12-1533](#)

CD 6

MOTION (CARDENAS - HUIZAR) relative to funding to support community programs and groups in Council District Six.

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

1. TRANSFER \$70,000 from the General City Purposes Fund No. 100/56, Account No. 000863 (CD 6 Council Fee Special Event Subsidy) to the General City Purposes Fund No. 100/56, Account No. 0706 to provide funding to support community programs and groups in Council District Six.
2. AUTHORIZE the Office of the City Clerk to make any technical corrections or clarification as necessary to the above instructions in order to effectuate the intent of this Motion.

**ITEM NO. (15) - ADOPTED**

**Adopted, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[11-0010-S45](#)

MOTION (PERRY - PARKS) relative to reinstating the reward offer in the death of Susana Amelia Prieto on October 16, 2011 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 Susana Amelia Prieto on October 16, 2011 (Council action of November 1, 2011) 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. (16) - CONTINUED TO OCTOBER 3, 2012**

**Adopted to Continue, Unanimous Vote (13); Absent: ALARCON, GARCETTI (2)**

[12-1530](#)

RESOLUTION (KREKORIAN FOR ROSENDAHL - PARKS) relative to declaring October 3, 2012 as Mark Twain Ringers Day in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE October 3, 2012 as Mark Twain Ringers Day in the City of Los Angeles.

**ITEM NO. (17) - ADOPTED**

**Adopted, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[11-1693-S1](#)

RESOLUTION (BUSCAINO - GARCETTI - LABONGE) relative to declaring October 2012 as Italian - American Heritage Month.

Recommendation for Council action:

RESOLVE to DECLARE October 2012 as Italian - American Heritage Month.

**Item for Which Public Hearing Has Not Been Held - Item 18**

(10 Votes Required for Consideration)

**ITEM NO. (18) - ADOPTED, AS AMENDED - SEE FOLLOWING**

**Adopted as Amended, Ayes (13); Absent: ALARCON, GARCETTI (2)**

[12-0002-S90](#)

CONSIDERATION OF RESOLUTION (WESSON - HUIZAR - ENGLANDER - REYES) relative to the City's position in connection with the State Legislature to take action (but only in a manner that is consistent with the federal Controlled Substances Act and does not expose local jurisdictions to liability for violation of federal law) to address the inadequacies of State law regarding the cultivation, recommendation, and distribution of medical marijuana.

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

ADOPT the accompanying RESOLUTION calling upon the State Legislature to take action (but only in a manner that is consistent with the federal Controlled Substances Act and does not expose local jurisdictions to liability for violation of federal law) to address the inadequacies of State law regarding the cultivation, recommendation, and distribution of medical marijuana, including, among other measures, by:

- a. Defining the conduct that is immunized from State law criminal prosecution by the phrase “collectively or cooperatively to cultivate medical marijuana.” See Health and Safety Code Section 11362.775.
- b. Confirming that “dispensaries” are not immunized from State law criminal prosecution but that they and all other medical marijuana establishments are prohibited from locating within a 600-foot radius of a school in all jurisdictions, as more particularly set forth in State law. See Health and Safety Code Section 11362.768.
- c. Confirming that financial transactions are not immunized from State law criminal prosecution given the phrase “nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit.” See Health and Safety Code Section 11362.765.
- d. Confirming that medical marijuana cooperatives and collectives may not open or operate without local government authorization and are bound by local regulations, most especially in Charter cities, given the provision “Nothing in this article shall prevent a city or other local governing body from adopting and enforcing any of the following: (a) Adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective.” See Health and Safety Code Section 11362.83.
- e. Imposing stricter regulations on physicians who provide medical marijuana recommendations, including by requiring that all doctors’ recommendations given to qualified patients be renewed on a quarterly basis and by requiring all recommending physicians to provide a specified level of ongoing health care to their patients in addition to issuing a medical marijuana recommendation.
- f. Identifying a lawful source for qualified persons to obtain marijuana plants and seeds and imposing regulations similar to the California Department of Food and Agriculture’s Organic Program and California’s Sherman Food, Drug and Cosmetic Law to govern the tracking, handling, and labeling of medical marijuana products.
- g. Creating a system of public health regulations controlling the quality and testing of medical marijuana products similar to those that apply to traditional food and drug manufacturers, wholesalers and retailers.
- h. Creating a State Medical Marijuana Health board of licensed medical professionals to determine through research, medical and scientific studies, what medical conditions provide relief through medical marijuana treatment, besides “cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis or migraine,” per the Compassionate Use Act’s “or any other illness for which marijuana provides relief” clause. Licensed medical doctors providing recommendations would then be required to use the Board’s approved uses as a barometer for treatment, as they do with other legitimate medicines.
- i. Requiring, as in the case in the State of Oregon, which has a finite list of approved conditions and requires medical history under its medical marijuana laws, licensed medical physicians in the State of California to ascertain a minimum of six-months of medical history of qualified patients before distributing a recommendation for medical marijuana for any of the recognized uses as defined by the above-described State Medical Marijuana Health Board and the pre-defined recognized uses listed in the Compassionate Use Act.

Community Impact Statement: None submitted.

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

**ADOPTED**

**AMENDING MOTION (HUIZAR - ENGLANDER)**

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

**AMEND Resolution (Wesson - Huizar - Englander - Reyes) to add that the City SUPPORT or SPONSOR legislation in the 2013-14 State Legislative Program to work on this matter.**

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

[12-1566](#)

MOTION (PERRY - PARKS) relative to a meeting in the City Hall Rotunda for the Chicano Employees Association.

[12-1567](#)

MOTION (BUSCAINO - ENGLANDER) relative to funding to support the Gaffey Street Conceptual Planning Project.

[12-0010-S42](#)

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 death of Juan Mendoza on September 11, 2012.

**COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

[12-0004-S2](#) - EAT Café

(Cárdenas - Krekorian - LaBonge)

Detective II Antonio Lee

(Zine - Cárdenas)

Dion Neutra, 86th Birthday

(Zine for Garcetti - LaBonge)

Daw Aung San Suu Kyi Day in Los Angeles

(Zine for Garcetti - LaBonge)

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

[12-0003-S2](#) - Lawrence Paul Singleton aka "YaYa"

Huizar - All Councilmembers

Margarita Solorzano Saldaña

Huizar - All Councilmembers

Jimmy Hughes, Jr.

Huizar - All Councilmembers

Andy Williams

LaBonge - All Councilmembers

Cadet Ryan S. Kirby

LaBonge - All Councilmembers

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

**Whereupon the Council did adjourn.**

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL

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Regular meeting recessed at 11:28 a.m.  
Special meeting convened at 11:28 a.m.  
Special meeting adjourned at 12:47 p.m.  
Regular meeting convened at 12:47 p.m.