

Los Angeles City Council, **Journal/Council Proceedings**
Wednesday, **January 23, 2013**
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, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Zine and President Wesson (11); Absent: Alarcón, Reyes and Rosendahl (3): Vacant: Council District Six

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
JANUARY 18, 2013

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 16

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 1-5

**ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
FEBRUARY 13, 2013**

Adopted to Continue, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[12-1728](#)
CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Exposition Boulevard and Bundy Drive Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Exposition Boulevard and Bundy Drive Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on November 21, 2012 - Continue hearing and present Ordinance on February 13, 2013 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

**Adopted to Continue, Ayes (11); Absent: ALARCON, REYES, ROSENDAHL (3)
(Item Nos. 2-4)**

**ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED
FEBRUARY 13, 2013**

[12-1758](#)

CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Gilcrest and Claircrest Drives Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Gilcrest and Claircrest Drives Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on November 21, 2012 - Continue hearing and present Ordinance on February 13, 2013 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 ORDINANCE TO BE PRESENTED
FEBRUARY 13, 2013**

[12-1759](#)

CD 2

HEARING PROTESTS against the proposed improvement and maintenance of the Colfax Avenue and Sarah Street Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Colfax Avenue and Sarah 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 November 21, 2012 - Continue hearing and present Ordinance on February 13, 2013 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 ORDINANCE TO BE PRESENTED
FEBRUARY 13, 2013**

[12-1760](#)

CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Idaho and Granville Avenues Lighting District.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of the Idaho and Granville Avenues Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on November 21, 2012 - Continue hearing and present Ordinance on February 13, 2013 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (5) - SEE BELOW

[12-1487](#)

et al.

HEARING PROTESTS, APPEALS OR OBJECTIONS to Department of Building and Safety 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 PROTESTS, APPEALS OR OBJECTIONS relative to proposed lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to LAMC and/or LAAC and CONFIRM said lien for the following properties:

PUBLIC HEARING CLOSED - LIEN CONFIRMED

Adopted to Confirm Lien, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[12-1487](#)

CD 6

a. 12300 West Branford Street. (Lien: \$1,862.42)

RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1239](#)

CD 7

b. 8910 North Sepulveda Boulevard. (Lien: \$784.30)

CONTINUED TO FEBRUARY 6, 2013

Adopted to Continue, Unanimous Vote (11); Absent: ALARCON, REYES, WESSON (3)

[12-1246](#)

CD 1

c. 1151 East Montecito Drive. (Lien: \$4,897.23)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

Adopted to Confirm Lien, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[12-1248](#)

CD 11

d. 12817 West Gilmore Avenue.

(Lien: \$3,119.77)

CONTINUED TO FEBRUARY 6, 2013

Adopted to Continue, Unanimous Vote (11); Absent: ALARCON, REYES, WESSON (3)

[12-1249](#)

CD 1

e. 1168 West Bellevue Avenue.

(Lien: \$2,578.52)

RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1250](#)

CD 9

f. 1229 East 43rd Street.

(Lien: \$659.89)

RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1251](#)

CD 7

g. 13447 West Corcoran Street.

(Lien: \$2,571.26)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

Adopted to Confirm Lien, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[12-1210](#)

CD 8

h. 8024 South Western Avenue.

(Lien: \$2,277.62)

RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1212](#)

CD 15

i. 413 East G Street.

(Lien: \$913.72)

Items for Which Public Hearings Have Been Held - Items 6-8

ITEM NO. (6) - CONTINUED TO JANUARY 25, 2013, INASMUCH AS IT FAILED BY SUFFICIENT VOTES TO BE APPROVED

Failed of Adoption - Over to Next Meeting, Ayes (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1022](#)
CD 14

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal filed for property located at 1755 East Third Street.

Recommendations for Council action:

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. 12-1022 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-2009-2648-MND] filed on October 1, 2010.
2. ADOPT the FINDINGS of the Planning and Land Use Management Committee as the Findings of the Council.
3. RESOLVE TO GRANT THE APPEAL filed by Sivoush Nayyeri (Emilio Gutierrez, Representative) from the entire determination of the Mayor, the Director of Planning, and the Los Angeles City Planning Commission (LACPC) in disapproving a proposed General Plan amendment to the Boyle Heights Community Plan from Public Facilities to Medium Density Residential, and a zone and height district change request from PF-1XL to (T)(Q)R3-1; and THEREBY APPROVE the proposed General Plan amendment and zone and height district change request and for the proposed construction of a four-story, maximum 45 foot high, 40 unit apartment building, providing 80 parking spaces, located on a 26,253 irregularly shaped site for property located at 1755 East Third Street.

Applicant: Sivoush Nayyeri
Representative: Emilio Gutierrez

CPC-2009-3210-GPA-ZC-HD

4. INSTRUCT the Department of City Planning (DCP) to prepare and present the necessary Conditions of Approval, Resolution, and Ordinance to effectuate a General Plan amendment to the Boyle Heights Community Plan from Public Facilities to Medium Density Residential and a zone and height district change from PF-1XL to (T)(Q)R3-1 and instruct the City Clerk to schedule this matter in Council as soon as possible.
5. DIRECT the DCP to update the General Plan and appropriate maps pursuant to this action.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

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 - JANUARY 30, 2013

(LAST DAY FOR COUNCIL ACTION - JANUARY 30, 2013)

(12 VOTES REQUIRED)

(Continued from Council meeting of December 4, 2012)

ITEM NO. (7) - REFER TO PUBLIC SAFETY COMMITTEE

Adopted to Refer, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1564](#)

CONTINUED CONSIDERATION OF PUBLIC SAFETY COMMITTEE REPORT relative to transfer of ownership interests in Archer's Vineland Service Inc., Official Police Garage (OPG) for Service Area 15 to Navarro's Towing North Hollywood, LLC.

Recommendation for Council action:

APPROVE the transfer of ownership interests in Archer's Vineland Service Inc., OPG for Service Area 15 contract number C-107059 to Navarro's Towing North Hollywood, LLC.

Fiscal Impact Statement: None submitted by the Los Angeles Police Department. 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 January 16, 2013)

ITEM NO. (8) - ADOPTED

Adopted, Ayes (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-0069-S3](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the activities and status of the Los Angeles Police Department's (LAPD) Supplemental Police Account.

Recommendation for Council action:

NOTE and FILE Board of Police Commissioners report to Council dated December 11, 2012 (attached to the Council file), relative to the status and activities of the Supplemental Police Account for the period July through September, 2012.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 9-14

(10 Votes Required for Consideration)

ITEM NO. (9) - ADOPTED - ORDINANCE OVER TO JANUARY 30, 2013

Adopted, Ordinance Over One Week, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[11-1331](#)

NEGATIVE DECLARATION, COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending Los Angeles Municipal Code (LAMC) Section 12.21 to specify the alternative paving materials to be used for driveways and parking lots.

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

1. FIND that there is no substantial evidence in the record that the project will have a significant effect on the environment; and that the Negative Declaration reflects the City's independent judgment and analysis; that the documents constituting the record of proceedings in this matter are located in Council File No. 11-1331 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 Negative Declaration [ENV-2011-537-ND] filed on March 11, 2011.
2. ADOPT the FINDINGS of the Los Angeles City Planning Commission as the Findings of the Council.
3. PRESENT and ADOPT the accompanying ORDINANCE amending LAMC Section 12.21 to specify the alternative paving materials to be used for driveways and parking lots.

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.

(Planning and Land Use Management Committee waived consideration of the above matter)

**Adopted, Ayes (11); Absent: ALARCON, REYES, WESSON (3)
(Item Nos. 10a-10i)**

ITEM NO. (10) - ADOPTED

[13-0005-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 16, 2013:

[13-0005-S50](#)

CD 1

- a. Property at 1461 West Ridge Way (Case No. 280153).
Assessor I.D. No. 5405-009-025

[13-0005-S51](#)

CD 7

- b. Property at 12577 North Adelpia Avenue (Case No. 386713).
Assessor I.D. No. 2513-024-007

[13-0005-S52](#)

CD 8

- c. Property at 1194 West 39th Street (Case No. 274007).
Assessor I.D. No. 5037-008-005

[13-0005-S53](#)

CD 8

- d. Property at 1194 West 39th Street (Case No. 382553).
Assessor I.D. No. 5037-008-005

[13-0005-S54](#)

CD 10

- e. Property at 1112 South Sycamore Avenue (Case No. 209898).
Assessor I.D. No. 5084-020-018

[13-0005-S55](#)

CD 10

- f. Property at 1112 South Sycamore Avenue (Case No. 284416).
Assessor I.D. No. 5084-020-018

[13-0005-S56](#)

CD 10

- g. Property at 3002 West James M. Wood Boulevard (Case No. 377110).
Assessor I.D. No. 5094-024-021

[13-0005-S57](#)

CD 10

- h. Property at 4209 South Creed Avenue (Case No. 319536).
Assessor I.D. No. 5024-021-004

[13-0005-S58](#)

CD 14

- i. Property at 1218 South Los Palos Street (Case No. 374253).
Assessor I.D. No. 5191-027-024

ITEM NO. (11) - ADOPTED

Adopted, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[12-1378-S1](#)

CD 5

CONSIDERATION OF MOTION (KORETZ - BUSCAINO) relative to requirements and permits for the construction of a project located at 10925 - 10927 West Lindbrook Drive and 1130 - 1140 South Gayley Avenue.

Recommendations for Council action:

1. WAIVE all:
 - a. Highway dedication and improvement requirements for the construction of a project with 34 residential apartment units, ground floor retail and a two level subterranean parking garage located at 10925 - 10927 West Lindbrook Drive and 1130 - 1140 South Gayley Avenue, as set forth in Los Angeles Municipal Code (LAMC) Section 12.37, and DETERMINE that additional dedication and street widening is not necessary to meet the mobility needs for the next 20 years.
 - b. Subsurface dimension limits in the LAMC for construction of a private garage under the public right of way, while reserving an area between the face of an existing or future curb and four feet back of such curb face to a depth of five feet along Lindbrook Drive and Gayley Avenue for use by the Department of Public Works.
2. DIRECT the Bureau of Engineering to process and issue a revocable permit for the project and provide indemnification language applicable to subsurface vacations for use in the revocable permit and subsurface vacation on this property.

3. INSTRUCT the Los Angeles Department of Building and Safety to process and issue a grading and building permit for the project to allow the commencement of grading and construction work of the subterranean garage prior to issuance of the final subsurface vacation approval.

Community Impact Statement: None submitted.

(Planning and Land Use Management Committee and Transportation Committee waived consideration of the above matter)

ITEM NO. (12) - ADOPTED

Adopted, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[13-0026](#)

CD 2

CONSIDERATION OF MOTION (KREKORIAN - BUSCAINO) relative to the installation of the Valley Glen monument sign on the median strip located at Burbank Boulevard at Coldwater Canyon Avenue.

Recommendation for Council action:

INSTRUCT the City Engineer and any other involved City Department to issue the permit(s) necessary for the installation of the Valley Glen monument sign to indicate its community name in the median strip on Burbank Boulevard at Coldwater Canyon Avenue, and to require a Bureau of Engineering Construction Permit rather than a revocable permit.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (13) - ADOPTED TO ASSERT JURISDICTION

Adopted to Assert Jurisdiction, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[13-0082](#)

MOTION (ZINE - ROSENDAHL) relative to asserting jurisdiction over the Board of Airport Commissioners action to award three-year contracts to implement LAX Modernization Program Public Education Communication Services.

Recommendations for Council action:

1. ASSERT jurisdiction, pursuant to Charter Section 245, over the January 14, 2013 Board of Airport Commissioners action to award three-year contracts to implement LAX Modernization Program Public Education Communication Services to: the Phelps Group for Public Education and Communication, for an amount not to exceed \$1,625,000; 2) to AdEase, Inc. for Media Buying Services in support of LAX Modernization Communication Services, for an amount not to exceed \$1,550,000, and 3) Nothing Films, Inc. for Video Production Services in support of LAX Modernization Communication Services, for an amount not to exceed \$690,000, for a total program amount of \$3,865,000 (Item 14 on the Board's Agenda for January 14, 2013.)

2. REFER the matter, upon assertion of jurisdiction, to the Trade, Commerce, and Tourism Committee for review and consideration.

Community Impact Statement: None submitted.

ITEM NO. (14) - REFER TO RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE

Adopted to Refer, Unanimous Vote (11); Absent: ALARCON, REYES, ROSENDAHL (3)

[12-1757](#)

CD 6

CONTINUED CONSIDERATION OF MOTION (WESSON - CARDENAS) relative to amending prior Council action of November 21, 2012 regarding the Communication from the City Clerk on options to fill the vacancy in Council District Six.

Recommendation for Council action:

AMEND prior Council action of November 21, 2012 to delete Recommendation Nos. 2, 3, and 5 from the City Clerk report dated November 7, 2012 relative to funding and staffing, inasmuch as these actions are not needed for the current fiscal year.

(Continued from Council meeting of January 16, 2013)

Closed Sessions - Items 15-18

ITEM NO. (15) - CONTINUED TO JANUARY 30, 2013

Adopted to Continue, Unanimous Vote (11); Absent: ALARCON, REYES, WESSON (3)

[12-1546](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Bieber v. City of Los Angeles, Los Angeles Superior Court Case No. SC104200. (This case arises from a landslide on the rear of the plaintiffs' home.)

(Budget and Finance Committee considered the above matter in Closed Session on December 10, 2012)

(Continued from Council meeting of January 16, 2013)

ITEM NO. (16) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Adopted in Open Session, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[13-0045](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(2) and (e)(2), to confer with its legal counsel relative to a proposed settlement of claim by Oracle America, Inc. (This claim arises from alleged underpayments by the City for software license and support for its Supply Management System and various Planning systems.)

(Budget and Finance Committee considered the above matter in Closed Session on January 14, 2013)

(Continued from Council meeting of January 16, 2013)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

- 1. APPROVE the proposed settlement with Oracle America, Incorporated (Oracle), including the purchase of software licenses and associated Software Update License and Support (support) from Oracle as follows:**
 - a. \$998,000 for Supply Management System licenses to be paid from Information Technology Agency (ITA) Fund 100/32, Account 006010 Office and Administrative Expense and an additional \$219,560 in support to be invoiced by Oracle in 2013-14.**
 - b. \$308,750 for licenses for various systems of the Department of City Planning, of which \$61,750 will be due in 2012-13 and the balance financed through Oracle over a five year period at no interest, and an additional \$67,925 in support to be paid from the City Planning Systems Development Fund 588/68, new account 68J501 Oracle Settlement.**
 - c. \$316,750 for Los Angeles Business Tax system licenses, of which \$63,350 will be due in 2012-13 and the balance financed through Oracle over a five year period at no interest, and an additional \$69,685 in support to be paid from the Office of Finance Fund 100/39, Account 006010 Office and Administrative Expense.**
 - d. \$1,645,596 for licenses for the Department of Public Works, Bureau of Sanitation Billing and Citywide 3-1-1 Customer Relationship Management System to be paid from ITA Fund 100/32, Account 006010 Office and Administrative Expense and an additional \$362,031 in support to be paid from ITA Fund 100/32, Account 003040 Contractual Services.**
- 2. AUTHORIZE the City Purchasing Agent, or designee, as part of the settlement, to execute ordering documents with Oracle to purchase the software and support listed in the above Recommendation No. 1, subject to the approval of the City Attorney.**

3. AUTHORIZE the City Administrative Officer (CAO), or designee, to execute the Settlement and Release Agreement with Oracle, subject to the approval of the City Attorney.
4. AUTHORIZE the General Managers of the Department of City Planning and the Office of Finance, or designees, to execute financing documents with Oracle to finance each Department's software license purchase over a term of five years with zero percent interest, subject to the approval of the City Attorney.
5. AUTHORIZE and DIRECT all applicable departments and officers to take all other actions necessary to effectuate this settlement.
6. APPROPRIATE funds from the Unappropriated Balance Fund 100/58, as follows:

FROM:

<u>Fund/Dept</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
100/58	000131	Citywide Customer Relationship Mgmt	\$250,000
100/58	000139	Strategic Advisor for Technology	270,816
100/58	000163	Software License Claim	<u>1,000,000</u>
		Total	\$1,520,816

TO:

<u>Fund/Dept</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
100/32	006010	Office and Administrative Expense	\$1,250,000
100/32	003040	Contractual Services	<u>270,816</u>
		Total	\$1,520,816

7. APPROPRIATE \$750,000 within the Telecommunications Development Account Fund 342/32 Account 32132J ITA, and appropriate therefrom to ITA Fund 100/32 as follows:

<u>Fund/Dept</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
100/32	003040	Contractual Services	\$717,427
100/32	006010	Office and Administrative Expense	<u>32,573</u>
		Total	\$750,000

8. TRANSFER \$125,632 from the Office of Finance Fund 100/39, Account 006010 Office and Administrative Expense to ITA Fund 100/32, Account 006010 Office and Administrative Expense.
9. APPROPRIATE \$150,718 within the Sewer Operations and Maintenance Fund 760/50 Account 50JX32 titled ITA-Expense & Equipment and appropriate therefrom to ITA Fund 100/32 as follows:

<u>Fund/Dept</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
100/32	003040	Contractual Services	\$27,179
100/32	006010	Office and Administrative Expense	<u>123,539</u>
		Total	\$150,718

10. APPROPRIATE \$1,356,459 within the Solid Waste Resources Recovery Fund 508/50 Account 50JX32 titled ITA-Expense & Equipment and appropriate therefrom to ITA Fund 100/32 as follows:

<u>Fund/Dept</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
100/32	003040	Contractual Services	\$244,607
100/32	006010	Office and Administrative Expense	1,111,852
		Total	\$1,356,459

11. ESTABLISH a new Appropriation Account 68J501 titled Oracle Settlement within the City Planning System Development Fund 588/68 and APPROPRIATE \$129,675 within the new Account 68J501 Oracle Settlement.

12. AUTHORIZE the CAO to make technical corrections as necessary to implement Mayor and Council intentions.

This matter was approved by the Budget and Finance Committee (Krekorian - Rosendahl - Koretz "yes") at its meeting on January 14, 2013, in Closed Session as permitted by Government Code Section 54956.9(d)(2) and (e)(2).

Adopted in Open Session, Ayes (11); Absent: ALARCON, REYES, ROSENDAHL (3)
(Item Nos. 17-18)

ITEM NO. (17) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

[13-0017](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Chris Haiss v. Lane Toshio Tabuchi, Los Angeles Superior Court Case No. BC454294. (This matter involves a Los Angeles Police Department vehicle vs. pedestrian accident, which occurred on March 22, 2010, at the intersection of Cesar Chavez and Alameda Streets in the City of Los Angeles.)

(Budget and Finance Committee considered the above matter in Closed Session on January 14, 2013)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

1. **AUTHORIZE** the City Attorney to expend \$495,000 in settlement of the jury award and costs in the above-entitled matter from City Attorney Fund 100/59, Account No. 009770.
2. **AUTHORIZE** the City Attorney to draw a demand thereon in said amount and payable to Alder Law and Chris Haiss.
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.

This matter was approved by the Budget and Finance Committee (Krekorian - Rosendahl - Koretz "yes") at its meeting on January 14, 2013, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

ITEM NO. (18) - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

[13-0021](#)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Dong Bu Insurance Co., et al. v. City of Los Angeles, Los Angeles Superior Court Case No. BC486170. (This is an inverse condemnation case for a sewer back up which occurred on June 9 and 11, 2011, at the Ye-Eun Presbyterian Church located at 1401 Washington Boulevard.)

(Budget and Finance Committee considered the above matter in Closed Session on January 14, 2013)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

1. **APPROVE** the total payment of \$350,000 in full settlement of the above-referenced lawsuit 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, without further instruction, to draw the necessary demand warrant in the amount of \$350,000 payable to the "Cummins & White, LLP, Client Trust Account" from the Sewer Operations and Maintenance Fund No. 760, Department 50, Account No. 50JX82.
4. **AUTHORIZE** the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, with the assistance of the City Administrative Officer, and **AUTHORIZE** the Controller to implement the instructions.

This matter was approved by the Budget and Finance Committee (Krekorian - Rosendahl - Koretz "yes") at its meeting on January 14, 2013, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

RECONSIDERATION OF ITEM NO. 18 FROM COUNCIL MEETING OF TUESDAY, JANUARY 22, 2013

ADOPTED

Adopted, Ayes (11); Absent: ALARCON, REYES, WESSON (3)

[13-0002-S7](#)

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT and RESOLUTION relative to the City's position to support legislation that would reinstate and strengthen the Federal Assault Weapons Ban.

Recommendation for Council action, pursuant to Resolution (Koretz - Garcetti - Krekorian), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2013-14 Federal Legislative Program SUPPORT for legislation that would reauthorize and strengthen the 1994 Federal Assault Weapons Ban.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

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

[13-0011-S3](#)

MOTION (HUIZAR - GARCETTI) relative to supporting the Parklet Program of Council District 14.

[12-0010-S8](#)

MOTION (BUSCAINO - KORETZ) relative to reinstating the reward offer in the death of Eva Tice for an additional six months.

[11-0271-S2](#)

MOTION (GARCETTI - BUSCAINO) relative to declaring March 20, 2013 as "Auto Club Speedway Day in LA" on March 20, 2013 and installing street banners identifying the Auto Club Speedway Day in LA, and the Auto Club 400.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

[13-0004](#) - National Mentoring Month Activities in Los Angeles County

Garcetti - LaBonge

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

[13-0003](#) - Daryl Theodore Foster

Parks - Perry

Herbert Houghton Clarke Jr.

LaBonge - All Councilmembers

Buscaino, Englander, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Rosendahl and Zine (11); Absent: Alarcón, Reyes and President Wesson (3); Vacant: Council District Six

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 11:13 a.m.
Special meeting convened at 11:13 a.m.
Special meeting adjourned at 11:16 a.m.
Regular meeting convened at 11:16 a.m.