

Los Angeles City Council, **Journal/Council Proceeding**
Tuesday, December 10, 2013
JOHN FERRARO COUNCIL CHAMBER ROOM 340, CITY HALL 200 NORTH SPRING
STREET, LOS ANGELES, CA 90012 - 10:00 AM

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL

Members Present: Blumenfield, Englander, Fuentes, Huizar, Krekorian, LaBonge, Martinez, O'Farrell, Price and President Wesson (10); Absent: Bonin, Buscaino, Cedillo, Koretz and Parks (5)

Approval of the Minutes

Commendatory Resolutions, Introductions and Presentations

Public Testimony of Non-agenda Items Within Jurisdiction of Council

Items Noticed for Public Hearing

ITEM NO. (1)

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, pursuant to LAMC and/or LAAC and CONFIRM said lien for the following properties:

(a)

[13-0160-S146](#)

CD 2 7019 North Laurel Canyon Boulevard. (Lien: \$2,016.32)

Adopted to Receive and File, Unanimous Vote (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

RECEIVED AND FILED INASMUCH AS LIEN HAS BEEN PAID

(b)

[13-0160-S147](#)

CD 10 8974 West Kramerwood Place. (Lien: \$4,964.93)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

(c)

[13-0160-S148](#)

CD 6 7263 North Kraft Avenue. (Lien: \$2,870.97)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

(d)

[13-0160-S149](#)

CD 12 8212 North Encino Avenue. (Lien: \$3,681.80)

Adopted to Continue, Unanimous Vote (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

CONTINUED TO JANUARY 10, 2014

(e)

[13-0160-S150](#)

CD 6 8618 North Lankershim Boulevard. (Lien: \$1,506.26)

Adopted to Receive and File, Unanimous Vote (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

RECEIVED AND FILED INASMUCH AS LIEN HAS BEEN PAID

(f)

[13-0160-S151](#)

CD 7 8910 North Noble Avenue. (Lien: \$4,474.76)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

(g)

[13-0160-S154](#)

CD 6 7708 North Sepulveda Boulevard aka 7712 North Sepulveda Boulevard.
(Lien: \$3,647.17)

**Adopted to Receive and File, Unanimous Vote (10) ; Absent: Bonin , Buscaino , Cedillo ,
Koretz , Parks (5)**

RECEIVED AND FILED INASMUCH AS LIEN HAS BEEN PAID

(h)

[13-0160-S155](#)

CD 3 7904 North Tampa Avenue. (Lien: \$2,419.89)

Adopted to Continue, Unanimous Vote (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

CONTINUED TO DECEMBER 17, 2013

(i)

[13-0160-S156](#)

CD 6 7418 North Laurel Canyon Boulevard. (Lien: \$6,075.38)

Adopted to Continue, Unanimous Vote (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

CONTINUED TO JANUARY 10, 2014

(j)

[13-0160-S157](#)

CD 2 8220 West Foothill Boulevard. (Lien: \$5,062.38)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

Items for which Public Hearings Have Been Held

ITEM NO. (2)

[13-1519](#)

CONTINUED CONSIDERATION OF ARTS, PARKS, HEALTH, AGING AND RIVER COMMITTEE REPORT relative to the appointment of Mr. Stephen David Simon as the permanent Executive Director of the Department on Disability.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Stephen David Simon as the permanent Executive Director of the Department on Disability is APPROVED and CONFIRMED.

Ethics Commission Review: Complete.

Background Check: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 27, 2013

(LAST DAY FOR COUNCIL ACTION - DECEMBER 18, 2013)

(Continued from Council meeting of December 4, 2013)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

ITEM NO. (3)

[13-1480](#)

AUDITS COMMITTEE REPORT relative to the appointment of Mr. Jerry Levey to the Quality and Productivity Commission.

Recommendation for Council action:

RESOLVE that the Council President's appointment of Mr. Jerry Levey to the Quality and Productivity Commission is APPROVED and CONFIRMED. Mr. Levey resides in Council District Five. (Current commission gender composition: F=1; M=5).

Ethics Commission Review: Complete.

Background Check: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 16, 2013

(LAST DAY FOR COUNCIL ACTION - DECEMBER 13, 2013)

NO ACTION TAKEN

ITEM NO. (4)

[13-1459](#)

ORDINANCE SECOND CONSIDERATION relative to amending Chapter 10 of Division 4 of the Los Angeles Administrative Code to suspend reciprocity between the Los Angeles City Employees' Retirement System (LACERS) and the Water and Power Employees' Retirement Plan (WRERP) and to make related changes.

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

PRESENT and ADOPT the accompanying ORDINANCE amending Chapter 10 of Division 4 of the Los Angeles Administrative Code to suspend reciprocity between LACERS and WRERP and to make related changes.

10 VOTES REQUIRED

(Personnel and Animal Welfare Committee waived consideration of the above matter)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

ITEM NO. (5)

[11-0923-S2](#)

CD 1, 9, 14 ORDINANCE SECOND CONSIDERATION relative to amending the Los Angeles Administrative Code to allow murals on single-family residences in Council Districts 1, 9, and 14 and on exterior building openings.

(Categorical Exemption and Planning and Land Use Management Committee report adopted on December 3, 2013)

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (6)

[09-1806](#)

CD 5 PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal for property located at 9966 West Beverly Grove Drive.

Recommendation for Council action:

RECEIVE AND FILE the appeal filed by Gary Hecker (Ellia Thompson, Representative) brought under the California Public Resources Code, Section 21151c of the California Environmental Quality Act, from the entire decision of the West Los Angeles Area Planning Commission in adopting Mitigated Negative Declaration No. ENV-2007-0276-MND in connection with a preliminary Parcel Map proposed to subdivide an existing one lot into two lots for property located at 9966 West Beverly Grove Drive, inasmuch as the application was withdrawn.

Applicant: David and Barbara Jaynes
Representative: Madonna Perry

Case No. ENV-2007-0276-MND-AA-2007-0275-PMLA-1

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM (7)
NO.

[13-1368](#)

PUBLIC SAFETY COMMITTEE REPORT relative to a 2013 Internet Crimes Against Children (ICAC) Task Force Continuation Program supplemental 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, LAPD, or designee, to:
 - a. Retroactively apply for and accept the 2013 ICAC Task Force grant in the amount of \$614,561 from the United States Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention for the

period July 1, 2012 through June 30, 2014.

- b. Negotiate and execute the 2013 ICAC Task Force grant Cooperative Agreement on behalf of the City and submit all necessary documents relative to the grant award, subject to the approval of the City Attorney as to form and legality.
- c. Negotiate and execute new or amended agreements with affiliated ICAC Task Force agencies, subject to the approval of the City Attorney as to form and legality.

2. AUTHORIZE the LAPD to:

- a. Submit grant reimbursement requests to the grantor and deposit grant receipts in the Police Department Grants Trust Fund No. 339/70.
- b. Spend up to the grant amount of \$614,561 in accordance with the grant award agreement.
- c. Appropriate \$614,561 to Fund 339/70, Account No. 70J416 2012 ICAC, for disbursement of the 2013 ICAC Program grant funds.

3. AUTHORIZE the Controller to:

- a. Increase the grant receivable in Fund 339/70 by \$614,561.
- b. Increase appropriations on an as-needed basis, as follows:

<u>Fund/Dept No.</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From: 339/70	70J416	2012 Internet Crimes Against Children	\$210,726

<u>Fund/Dept No.</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
To: 100/70	001012	Sworn Salaries	\$110,695
100/70	001092	Sworn Overtime	<u>100,031</u>
			Total: \$210,726

- c. Transfer appropriation within Fund 339/70 for related costs, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
From: 70J416	2012 Internet Crimes Against Children	\$55,923

<u>Account</u>	<u>Title</u>	<u>Amount</u>
70J299	Reimbursement of General Fund	\$55,923

4. AUTHORIZE the LAPD to prepare Controller instructions for any technical adjustments, 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. Acceptance of the grant is in compliance with City financial policies in that one-time revenue is used for one-time expenses.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (8)

[13-1344](#)

CD 4

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal for property at 933 North Highland Avenue (921-933 North Highland Avenue and 926-928 North Citrus Avenue).

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. 13-1344 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-2012-3029-MND] filed on May 24, 2013.
2. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC), including the Environmental Findings, as the Findings of the Council.
3. RESOLVE TO DENY APPEAL filed by Jim McQuiston from the entire determination of the LACPC; THEREBY APPROVE a Conditional Use Permit to allow a private school in the MR1 zone and a Zone Variance to permit 17 on-site parking spaces in lieu of the required 32 parking spaces in the MR1 Zone, subject to modified Conditions of Approval, for the conversion of a 16,250 square-foot commercial office use into a privately-run, educational center, located at 933 North Highland Avenue (921 - 933 North Highland Avenue and 926 - 928 North Citrus Avenue).

Applicant: North Highland Holdings

Representative: Jonathan Lonner, Burns and Bouchard, Inc.

Case No. CPC-2012-3028-CU-ZV

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 - DECEMBER 21, 2013

(LAST DAY FOR COUNCIL ACTION - DECEMBER 18, 2013)

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (9)

[13-1529](#)

CD 4, 10, 13, 14, ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the Community Redevelopment Agency of Los Angeles, a Designated Local Authority (CRA/LA-DLA) requests to the City of Los Angeles for the continued subordination of pass-through payments (Assembly Bill [AB] 1290 funds) to debt service payments.

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

APPROVE the subordination requests (Attachments I, II, and III of the City Administrative Officer [CAO] report dated November 14, 2013, attached to Council file No. 13-1529) from the CRA/LA-DLA, Successor Agency to the former Community Redevelopment Agency of the City of Los Angeles (CRA/LA), to subordinate the City of Los Angeles' share of its statutorily mandated pass-through payments (AB 1290 funds) in order to facilitate the issuance of refunding Bonds for debt service savings through the former CRA/LA's participation in the County of Los Angeles' Redevelopment Bond Refunding Program with respect to the former CRA/LA's Hollywood, Mid-City, and Adelante Eastside Redevelopment Project Areas.

Fiscal Impact Statement: The CAO reports that there is no impact to the City's General Fund. All debt payments of the former CRA/LA's borrowing are paid with Tax Increment revenues from the respective Redevelopment Project Areas. The source of funds identified for the CRA/LA's subordination requests is the City of Los Angeles' share of its statutorily mandated pass-through payments (AB 1290 funds). AB 1290 funds are considered by the City of Los Angeles as special funds due to the existing Council policy in which all AB 1290 funds are retained for use in the Redevelopment Project Area or Council District in which they are generated.

Community Impact Statement: None submitted.

TIME LIMIT FILE – DECEMBER 29, 2013

(LAST DAY FOR COUNCIL ACTION – DECEMBER 18, 2013)

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (10)

[13-1452](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to a development fee subsidy for the City of Calabasas for the Mulholland Highway Project.

Recommendations for Council action, as initiated by Motion (Blumenfield - Buscaino):

1. REQUEST, pursuant to the Development Fee Subsidy Policy (Administrative Code Section 5.65 et seq.), the City of Calabasas, with the assistance of the City Engineer, to provide to the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA), proof of their non-profit status under the Internal Revenue Code Section 501 (c)(3), or other similar provision of the Code, and any other financial information that may be necessary to determine their eligibility to receive a fee subsidy for the Mullholland Highway project, as further described in the text of the Motion, attached to the Council file.
2. DIRECT the CAO and CLA to make a determination, upon review of all necessary documentation, as to whether the City of Calabasas is eligible to receive a fee subsidy, that is equal to 100 percent of the total eligible permit fees of a City department, in accordance with the above specified Policy.
3. DIRECT the CAO and CLA, upon determining that the City of Calabasas is eligible to receive a fee subsidy for the proposed project, to submit a report within 30 days with appropriate recommendations and findings regarding this project for adoption by the Council.
4. DIRECT the City Engineer to provide assistance and expedite processing of any required City actions in furtherance of this project.

Fiscal Impact Statement: Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ADOPTED

SUBSTITUTE MOTION (BLUMENFIELD - FUENTES)

Recommendation for Council action:

AUTHORIZE and INSTRUCT the Bureau of Engineering, with the assistance of the City Attorney, to negotiate and execute a Memorandum of Understanding or any other form of letter agreement that will designate the 200-foot portion of the City of Calabasas Mulholland Highway Project that is within Los Angeles city limits as a City of Los Angeles construction project subject to the applicable provisions of the Los Angeles Municipal Code.

Substitute Motion adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION

ITEM NO. (11)

[13-1498](#)

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to the First Construction Projects Report for Fiscal Year 2013-14.

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

(Click on the above hyperlink or go to <http://www.lacouncilfile.com> for background documents.)

(Public Works and Gang Reduction Committee waived consideration of the above matter)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to the First Construction Projects Report for Fiscal Year 2013-14.

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

- 1. TRANSFER \$974,575 between departments and funds as specified in Attachment 1 of the City Administrative Officer (CAO) report dated November 7, 2013, attached to the Council file.**
- 2. TRANSFER \$13,470,401 between funds and other financings, as specified in Attachment 2.**
- 3. TRANSFER \$691,248 between departments and funds from General Obligation Bond Funds as specified in Attachment 3.**

4. **TRANSFER \$328,311 between accounts within departments and funds as specified in Attachment 4.**
5. **AUTHORIZE the Controller, in accordance with Attachment 2, to transfer cash from Proposition K and Other Special Funds to reimburse the General Fund on an as-needed basis upon proper documentation from the departments and approval of the Program Managers and the CAO.**
6. **AUTHORIZE the Controller, in accordance with Attachment 3, to transfer cash from the appropriate General Obligation Bond Funds to reimburse the General Fund on an as-needed basis upon proper documentation from the departments and approval of the Program Managers and the CAO.**
7. **AUTHORIZE the Controller to increase appropriations to various departments as delineated in Attachment 5 in the amount of \$6,504,398 from Seismic Bond Fund No. 608 (\$4,915,349) and the Sixth Street Viaduct Improvement Fund No. 54W (\$1,589,049) for estimated project management staff costs related to the Seismic Bridge Improvement Program.**
8. **AUTHORIZE the Controller to reimburse expenses for the Children's Museum/Discovery Science Center of Los Angeles (DSC-LA) project and deposit payments totaling \$19,315,201 into the New Market Tax Credit escrow account established for the DSC-LA with U.S. Bank or the current fiscal control agent, with reimbursements to be paid on a progress payment basis not to exceed the limits specified in the budget schedule approved by the Department of Recreation and Parks (RAP) and the CAO. These reimbursements will be paid from the approved City funding sources listed below, up to the funding limits specified below, and as reflected in Attachment 6 of the November 7, 2013 CAO report, attached to the Council file, pursuant to the Lease Agreement between the RAP and the DSC-LA (Contract No. 121637); the Exhibits and Construction Agreement between RAP and the DSC-LA (executed on December 20, 2012); the Memorandum of Understanding between the Los Angeles Department of Water and Power (LADWP), RAP and the DSC-LA executed on July 11, 2013; and any additional or subsequent agreements executed between City departments and the DSC-LA, relative to the DSC-LA project located at the Hansen Dam Recreation Area, including agreements that may be executed for funding from the Bureau of Sanitation and for the Proposition K Eighth Cycle competitive grant award.**
 - a. **Proposition K - \$2,436,111 (46A/10/10T201, 43K/10/10KM01, 43N/10/10JMAF).**
 - b. **Proposition 40 - \$1,254,700 (100/54/00T729 - cash flow account).**
 - c. **SAFETEA-LU - \$863,904 (100/54/00T729 - cash flow account).**

- d. MICLA Funds - \$4,700,000 (298/50/50XXXX).
- e. CIEP - \$440,486 (100/54/00J027).
- f. City General Fund - \$2,000,000 (100/54/00T729).
- g. Sanitation Funds - \$3,600,000 (43N/10/10JMAD, 43M/10/10JMAE).
- h. DWP Funds - \$3,900,000 (43N/10/10JMAB, 43N/10/10JMAC).
- i. Sites and Facilities - \$120,000 (208/88/H204).

9. **INSTRUCT** the City Clerk to place on the Council agenda on or shortly following JULY 1, 2014, Recommendation No. 8 above, in order to provide continuing expenditure authority for the project in FY 2014-15 through the scheduled completion of the project anticipated to occur in Fall 2014.

10. **AUTHORIZE** the Controller to reduce the General Services Department's budgetary accounts by \$322,000, as authorized in the FY 2010-11 First Construction Projects Report (Council file No. 10-2498), and appropriate the funds to RAP's budgetary accounts for the Oro Vista Park Development Project as delineated in Attachment 2.

11. **AUTHORIZE** the CAO to make technical corrections, as necessary, to those transactions included in this report to implement the Mayor and Council's intentions.

Fiscal Impact Statement: The CAO reports that transfers, appropriations and expenditure authority totaling \$21,968,933 are recommended in the November 7, 2013 CAO report, attached to the Council file. Of this amount, \$2,691,920 is for transfers and appropriations to the General Services Department, \$12,772,615 is for other City funds, and \$6,504,398 is for staff cost reimbursements. All transfers and appropriations are based on existing funds, reimbursements or revenues. There is an estimated annual impact of \$534,776 due to operations and maintenance costs as a result of these recommendations (Attachment 7).

Community Impact Statement: None Submitted.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

Items for which Public Hearings Have Not Been Held - (10 Votes Required for

Consideration)

ITEM NO. (12)

[11-0010-S33](#)

MOTION (ENGLANDER - KREKORIAN) relative to reinstating the reward offer in the unsolved murder of Patrick Shillings 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 unsolved murder of Patrick Shillings (Council action of June 22, 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.

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

ITEM NO. (13)

FINAL MAPS in the various Council Districts.

Recommendation for Council action:

APPROVE the Final Maps and Adopt the City Engineer Reports as detailed in the various listed Council files, including bonds, agreements, contracts and other related issues as specified:

(a)

[13-1616](#)

CD 14

Final map of Tract No. 67492-01 located at 225 South Grand Avenue southerly of General Thaddeus Kosciuszko Way.

(Bond No. C-123182)

Subdivider: Grand Avenue M Housing Partners, LLC; Engineer: Psomas

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

MAP AND BOND APPROVED - CITY ENGINEER REPORT ADOPTED

(b)

[13-1617](#)

CD 6 Final map of Parcel L.A. No. 2012-2220 located at 6161 North Sepulveda Boulevard southerly of Erwin Street.

Subdivider: AFL-VN, LLC; Surveyor: Canyon Consulting

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

MAP APPROVED - CITY ENGINEER REPORT ADOPTED

Closed Session

ITEM NO. (14)

[13-1560](#)

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 Carr, et al. v. City of Los Angeles, Los Angeles Superior Court (LASC) Case No. BC 433073; Brent v. City of Los Angeles, LASC Case No. BC 434486; California Court of Appeal Second District Docket No. B243523. (This matter arises from claims of whistleblower retaliation by eleven members of the Los Angeles Police Department that occurred from 2008 to 2011.)

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

(Continued from Council meeting of December 4, 2013)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

1. **AUTHORIZE** the City Attorney to pay a total of \$5,900,000 in settlement of the above entitled matter from the City Attorney Fund No. 100/59, Account 009770.
2. **AUTHORIZE** the City Attorney to draw a demand thereon in said amount and made payable to Carr et al. v. City of Los Angeles Qualified Settlement Fund.
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.

Adopted in Open Session - FORTHWITH, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

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

- 13-1427 MOTION (ENGLANDER - FUENTES) relative to amending prior council action of December 8, 2013 regarding the Los Angeles Police Department special reception in the City Hall Spring Street Forecourt and the City Hall Tom Bradley Room.

- 13-0011-S40 MOTION (LABONGE - WESSON) relative to funding for fabricating and installing Boulevard Heights National Register Signs.

- 13-1661 MOTION (PRICE for BUSCAINO - O'FARRELL) relative to funding for the construction of bridge, signage and median improvements on Gaffey Street in Council District 15.

- 13-0010-S41 MOTION (CEDILLO - FUENTES) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the murder of Jesus Eduardo Vargas.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

- 13-0004-S3 Paul Mazursky O'Farrell - LaBonge
Sharon Barron Wesson - Englander

Los Angeles City Council Agenda, **Supplemental Agenda**
Tuesday, December 10, 2013

JOHN FERRARO COUNCIL CHAMBER ROOM 340, CITY HALL 200 NORTH SPRING
STREET, LOS ANGELES, CA 90012 - 10:00 AM

ROLL CALL

Approval of the Minutes

Items for which Public Hearings Have Been Held

ITEM NO. (15)

[13-0002-S141](#)

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT and RESOLUTION relative to the City's position to oppose the Federal Communications Commission's Report and Order and Further Notice of Proposed Rulemaking, Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies.

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

ADOPT the accompanying RESOLUTION to:

- a. Include in the City's 2013-14 Federal Legislative Program OPPOSITION to the Report and Order and Further Notice of Proposed Rulemaking, Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies (FCC 13-238), which severely limits local authority over the rational expansion of existing wireless facilities.
- b. Agree to join a coalition of communities to file a comprehensive response relative to the Federal Communications Commission rulemaking proceeding.
- c. Request and authorize the City Attorney, with the assistance of the law firm Best, Best and Krieger, currently under contract with the City, to file comments consistent with the above position, with the Federal Communications Commission.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief

Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (16)

[13-0002-S137](#)

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT and RESOLUTION relative to the City's position to support visa extensions for Filipino immigrants affected by Typhoon Haiyan.

Recommendation for Council action, as initiated by Resolution (O'Farrell - Fuentes), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2013-14 Federal Legislative Program SUPPORT of legislation that would extend U.S. visas for Filipino immigrants legally living in the United States who were impacted by Typhoon Haiyan.

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.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (17)

[14-0001](#)

RULES, ELECTIONS, AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT relative to the proposed 2014 Council Recess Schedule.

Recommendations for Council action:

RESOLVE, in accordance with Charter Section 242, to approve the following 2014 Council Recess Schedule with the caveat that Council may introduce resolutions to remove any conference dates from the recess schedule if a quorum is expected:

- a. National League of Cities Annual Congressional City Conference, Friday, 3/7/14 through Wednesday, 3/12/14 (event held from 3/8/14 through

3/12/14 in Washington, D.C. [3/7/14 is recommended as a travel day])

- b. Good Friday, Friday, 4/18/14
- c. Summer Recess, Friday 7/4/14 (holiday) through Friday, 7/25/14
- d. League of California Cities Annual Conference and Exposition, Wednesday, 9/3/14 through Friday, 9/5/14 (event held from 9/3/14 through 9/5/14 in Los Angeles)
- e. National League of Cities, Annual Congress of Cities and Exposition, Tuesday, 11/18/14 through Friday, 11/21/14 (event held from 11/18/14 through 11/22/14 in Austin, TX)
- f. Winter Recess, Friday, 12/19/14 through Friday, 1/2/15
- g. League of Cities Annual Congressional Conference - Friday, 3/14/14
- h. Passover - Tuesday, 4/15/14, Wednesday, 4/16/14, and Tuesday, 4/22/14
- i. Tuesday, 9/2/14
- j. Hanukkah - Wednesday, 12/17/14

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.

Adopted, (10) ; Absent: Bonin , Buscaino , Cedillo , Koretz , Parks (5)

ITEM NO. (18)

[13-1627-S1](#)

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER relative to waiving the review of the Board of Water and Power Commissioners action to approve the new retirement tier and suspend the reciprocity agreement between Water and Power Employees' Retirement Program and Los Angeles City Employees' Retirement System, and related matters.

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

(Click on the above hyperlink or go to <http://www.lacouncilfile.com> for background documents.)

(Personnel and Animal Welfare Committee waived consideration of the above matter)

ADOPTED

BUDGET AND FINANCE COMMITTEE REPORT relative to the Los Angeles Department of Water and Power employee relations package.

Recommendations for Council action:

1. **APPROVE** the agenda items associated with Council file Nos. 13-1459, 13-1595, and 13-1627.
2. **WAIVE** review of the Board of Water and Power Commissioners action to approve the new retirement tier and suspend the reciprocity agreement between Water and Power Employees' Retirement Program (WPERP) and Los Angeles City Employees' Retirement System (LACERS).
3. **DIRECT** the City Administrative Officer (CAO) to continue discussions with the Coalition and provide information to assist Coalition members with making informed decisions regarding transferring pension systems.

Fiscal Impact Statement: The CAO reports that the cumulative fiscal impact of the changes described in these items totals \$5.2 billion over 30 years as outlined in the document, attached to the Council file. These savings include those gained from the Memorandum of Understanding component, the lawsuit settlement, and the pension reform. The CAO further notes that failure to adopt any part of this package will result in a complete collapse of the entire package yielding no savings to the City and substantial monetary liability from legal proceedings associated with litigation.

Community Impact Statement: None submitted.

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

Items for which Public Hearings Have Not Been Held - (10 Votes Required for Consideration)

ITEM NO. (19)
[13-1627](#)

COMMUNICATION FROM THE LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) relative to amendments to the Memoranda of Understanding (MOUs) 41, 42, 47, 48, 50, 51, 52, 53, 54, and 56 for the period October 1, 2013 through September 30, 2017.

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

1. APPROVE the amendments, attached to Council file No. 13-1627, to the International Brotherhood of Electrical Workers (IBEW), Local 18 MOUs 41, 42, 47, 48, 50, 51, 52, 53, 54, and 56 for the period October 1, 2013 through September 30, 2017.
2. APPROVE and SET the salaries listed in the amendments, attached to Council file No. 13-1627, to the IBEW, Local 18 MOUs 41, 42, 47, 48, 50, 51, 52, 53, 54, and 56 for the period October 1, 2013 through September 30, 2017.
3. AUTHORIZE the Controller and the General Manager, LADWP, to make any necessary technical or clerical corrections.

Fiscal Impact Statement: The LADWP reports that there is no fiscal impact on the General Fund. It is anticipated that the MOU amendments will save LADWP approximately \$415 million over the next four years, which includes savings for the deferral of the cost-of-living-adjustment previously assumed at 2.9 percent, salary reduction of entry-level classifications, reduction in some contracting out overtime provisions; and consistent monitoring of sick time medical certification.

Community Impact Statement: None submitted.

(Personnel and Animal Welfare Committee waived consideration of the above matter)

Adopted, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

ITEM NO. (20)

[13-1641](#)

CD 1 MOTION (CEDILLO - FUENTES - O'FARRELL) relative to authorizing City staff to enter into immediate negotiations with representatives of Union Pacific Railroad Company to seek the potential acquisition of the Taylor Yard G2 parcel.

Recommendations for Council action:

1. INSTRUCT the Chief Legislative Analyst, in conjunction with the City

Administrative Officer and the Department of General Services, to immediately enter into negotiations with representatives of Union Pacific Railroad Company to seek the potential acquisition of the Taylor Yard G2 parcel.

2. INSTRUCT the Department of General Services to initiate its property/asset valuation protocols to determine a fair market price for the parcel, including the cost of any remediation activity.
3. INSTRUCT these Departments to report back to the City Council in 30 days as to the status of negotiations with Union Pacific Railroad Company; and if there is a need to take further action.

ADOPTED

SUBSTITUTE MOTION (CEDILLO - FUENTES - O'FARRELL)

Recommendations for Council action:

1. **INSTRUCT the Chief Legislative Analyst, in conjunction with the City Administrative Officer and the Department of General Services, immediately enter into negotiations with representatives of Union Pacific Railroad Company to seek the potential acquisition of the Taylor Yard G2 parcel.**
2. **INSTRUCT the Department of General Services initiate its property/asset valuation protocols to determine a fair market price for the parcel, including the cost of any remediation activity.**
3. **INSTRUCT these Departments, along with the City Attorney, to report back to the City Council in Closed Session on December 17, 2013 on the status of negotiations with Union Pacific Railroad Company, and if there is a need to take further action.**

Substitute Motion adopted - FORTHWITH, (11) ; Absent: Bonin , Buscaino , Koretz , Parks (4)

SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL MOTION

Closed Session

ITEM NO. (21)

[13-1595](#)

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 Javier Romero, et al. v. City of Los Angeles, Los Angeles Superior Court Case No. BC449834. (This lawsuit challenges the City

Council's veto of the Board of Water and Power Commissioners' approval of a proposed retirement plan amendment to suspend reciprocity between the Water and Power Employees' Retirement Plan and the Los Angeles City Employees' Retirement System.)

(Budget and Finance Committee to consider the above matter in closed session on December 9, 2013.)

ADOPTED

MOTION (KREKORIAN - ENGLANDER)

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

APPROVE and AUTHORIZE the City Attorney to execute the proposed settlement in which plaintiffs will dismiss the lawsuit following approval of a new memorandum of understanding between the City and the Los Angeles Department of Water and Power and the International Brotherhood of Electrical Workers, Local 18, and following adoption of amendments to the Water and Power Employees' Retirement Plan (WPERP) (suspending reciprocity for members of the Los Angeles City Employees' Retirement System and implementing a new retirement tier in WPERP).

ACTION TAKEN IN CLOSED SESSION

ENDING ROLL CALL

Blumenfield, Cedillo, Englander, Fuentes, Huizar, Krekorian, LaBonge, Martinez, O'Farrell, Price and President Wesson (11); Absent: Bonin, Buscaino, Koretz and Parks (4)

Whereupon the Council did adjourn.

ATTEST: Holly L. Wolcott, INTERIM CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL