



AGENDA

LOS ANGELES CITY COUNCIL

SPECIAL COUNCIL MEETING FRIDAY, SEPTEMBER 19, 2008 10:15 A.M. OR AS SOON THEREAFTER AS COUNCIL RECESSES ITS REGULAR MEETING

JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

INTERNET: www.lacity.org; click on Council file number for background documents

President

ERIC GARCETTI, Thirteenth District

ED P. REYES, First District

DENNIS P. ZINE, Third District

President Pro Tempore

WENDY GREUEL, Second District

TOM LABONGE, Fourth District

JACK WEISS, Fifth District

TONY CARDENAS, Sixth District

Assistant President Pro Tempore

JAN PERRY, Ninth District

RICHARD ALARCON, Seventh District

BERNARD C. PARKS, Eighth District

HERB J. WESSON, JR., Tenth District

BILL ROSENDAHL, Eleventh District

GREIG SMITH, Twelfth District

JOSE HUIZAR, Fourteenth District

JANICE HAHN, Fifteenth District

CITY COUNCIL MEETINGS ARE BROADCAST LIVE ON CABLE TELEVISION CHANNEL 35 AND ON THE INTERNET AT: LACITY.ORG/CDVIDEO.HTM. LIVE COUNCIL MEETINGS CAN ALSO BE HEARD AT: (213) 621-CITY (METRO), (818) 904-9450 (VALLEY), (310) 471-CITY (WESTSIDE) AND (310) 547-CITY (SAN PEDRO AREA)

ASSISTIVE LISTENING DEVICES ARE AVAILABLE AT THE MEETING; UPON 24 HOUR ADVANCE NOTICE, OTHER ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION, AND TRANSLATION SERVICES WILL BE PROVIDED, CONTACT THE CITY CLERK'S OFFICE AT (213) 978-1059. TDD AVAILABLE AT (213) 978-1055.

SE OFRECE UN SERVICIO DE TRADUCCIÓN AL ESPAÑOL EN TODAS LAS REUNIONES DEL CONSEJO MUNICIPAL

BASIC CITY COUNCIL MEETING RULES

AGENDAS - The City Council meets Tuesday, Wednesday and Friday at 10:00 A.M. The agendas for City Council meetings contain a brief general description of those items to be considered at the meetings. Council Agendas are available in the Office of the City Clerk, Council and Public Services Division, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012, and on the City's World Wide Web Home Page site on the Internet at www.lacity.org; click on "Council Calendar."

Ten (10) members of the Council constitute a quorum for the transaction of business. The Council may consider an item not listed on the Council Agenda only if it is determined by a two-thirds (10) vote that the need for action arose after the posting of an Agenda. Some items on the Agenda may be approved without any discussion, however any item may be called "special" by a Councilmember. If an item is called "special" it will be "held" until the remainder of the items on the Council agenda have been acted on by the Council. An item may also be called "special" if a member of the public has requested to speak on the item and a public hearing has not previously been held on the matter.

The City Clerk will announce the items to be considered by the Council, however items will be grouped. For example, all items for which required public hearings have not previously been held are listed in one section on the printed Agenda. The Council President will ask if any Councilmember or member of the public wishes to speak on one or more of these items. If anyone wishes to speak on an item, it will be called "special." The remaining items in this section will be voted on by Council with one roll call vote.

PUBLIC INPUT AT CITY COUNCIL MEETINGS - An opportunity for the public to address the Council on agenda items for which public hearings have not been provided will be provided before or during consideration of the item. Members of the public who wish to speak on any item are requested to complete a speaker card for each item they wish to address, and present the completed card(s) to the Sergeant-At-Arms. Speaker cards are available at the back of the Council Chamber.

The Council will also provide an opportunity for the public to speak on public interest items for a cumulative total of up to fifteen (15) minutes. Testimony shall be limited in content to matters which are within the subject matter jurisdiction of the Council. The City Council may not take any action on matters discussed during the public testimony period.

COUNCIL DISCUSSION AND TIME LIMITS - Councilmembers requesting to address the Council will be recognized by the Council President in the order requested. For any item, the Chairperson of the Committee, or the maker of the original motion, or the member calling a matter "special" shall have up to six (6) minutes to discuss the item. All other Councilmembers may speak up to three (3) minutes each on the matter. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each Member desiring to speak again shall be limited to a maximum of three (3) minutes.

A motion calling the "previous question" may be introduced by any member during a Council debate. If adopted, this motion will terminate debate on a matter and the Chair will instruct the Clerk to call the roll on the matter.

VOTING AND DISPOSITION OF ITEMS - Most items require a majority vote of the entire membership of the Council (8 members). Items which have not been discussed in a Council Committee and have been placed directly on the Council Agenda will require 10 votes to consider. Once considered, these items will normally require eight (8) affirmative votes to be adopted. Ordinances require a unanimous vote (at least 12 members must be present) in order to be adopted on first consideration. If an ordinance does not receive the necessary unanimous vote, it is laid over one calendar week. The votes required for approval on second consideration vary and depend upon the type of ordinance, but a typical ordinance requires eight (8) affirmative votes upon second consideration.

When debate on an item is completed, the Chair will instruct the Clerk to "call the roll." Every member present must vote for or against each item; abstentions are not permitted. The Clerk will announce the votes on each item. Any member of Council may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Council of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight members of the Council.

When the Council has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Council to again vote on the matter.

The City Council rules provide that all items adopted by the Council will not be presented to the Mayor, or other designated officer by the City Clerk until the adjournment of the regular meeting following the date of the Council action. A motion to send an item "forthwith" if adopted by ten (10) votes, suspends these rules and requires the City Clerk to forward the matter to the Mayor, or other officer, without delay.

RULE 16 MOTIONS - Council Rule No. 16 allows a member to send an item directly to the Council without it having to go to a Council Committee first, by giving the City Clerk a motion (seconded by an additional member) during a Council session to be placed on the next available Council Agenda.

- - - SPECIAL COUNCIL MEETING - - -

10:15 a.m. or as soon thereafter
as the Council Recesses its Regular Meeting

ROLL CALL

Item for Which Public Hearing Has Been Held - Item 46

ITEM NO. (46)

[08-2402](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to the Los Angeles Marathon.

Recommendations for Council action, as initiated by Motion (Parks - Reyes):

1. APPROVE the following deal points to be included in an agreement with Going the Distance, LLC, or its assign, provided that such assign is LA Marathon LLC, an affiliate of the McCourt Company, Inc., successor contractor to Devine Racing Los Angeles, LLC, for the production of the Los Angeles Marathon, including exclusive use of the City's trademark name and logo, inasmuch as the City has received executed release agreements from William Burke and Marie Patrick, employees of Devine Racing LA, LLC:
 - a. The City will waive the following provision contained in the current agreement (Contract No. C-93753, as amended) with Devine Racing Los Angeles, LLC: "Immediately following the first Marathon and the Transfer, and for 90 days thereafter, the Council may, at its sole discretion, terminate this Agreement (Contract No. C-93753) or give notice of intent to renegotiate the terms of this Agreement. If the City gives notice of intent to renegotiate and a new Agreement is not reached, the Council may, at its sole discretion, terminate or maintain this Agreement." Furthermore, any future transfer, assignment, pledge or sale involving the City contract will require City approval.
 - b. The City will review the results of the 2010 LA Marathon, as determined by an Ad Hoc Committee (described in recommendation No. 3, below) taking into consideration the following Quality Control Goals and Guidelines, for consideration of an extension of the contract:

- 1) Pre-race reporting, including detail on: athlete financial incentives (e.g. course record bonuses, cash prizes), promotions, and advertising plans, etc.
 - 2) Annual race statistics, including the number of registered participants and related detail.
 - 3) Annual sponsorship statistics, including the names of sponsors and the length of commitment.
- c. Going the Distance shall reimburse the City for the City's permit fees and incremental staff costs above the average field and supervisory field deployment on LA Marathon Day, as compared to the average cost of field and supervisory field deployment for the same day of the week, for the three weeks immediately preceding the LA Marathon ("Marathon Model").
 - d. Going the Distance shall exclusively conduct the LA Marathon on a Monday holiday throughout the term of the agreement, beginning with the 2009 LA Marathon.
 - e. Going the Distance shall pay the City 7.5 percent of the adjusted gross income, as provided in Agreement No. C-93753, not to exceed \$189,000 annually, to be adjusted annually by CPI-U.
 - f. Devine will pay the City \$537,391.34 for outstanding payments due from the 2006-08 LA Marathons, upon closing of the sale/assignment transaction with Going the Distance; further, if Devine does not pay the City upon closing, Going the Distance will withhold the amount due from its payment to Devine and will make the payment to the City.
 - g. Going the Distance shall organize, manage and conduct a 5K (3.1 miles) run in conjunction with the LA Marathon, and allow non-profit organizations, through the existing Official Charities program, to continue to utilize this event to fundraise for charitable purposes.
2. REQUEST the City Attorney to draft a contract amendment incorporating the above deal points for submission to the Council, or review any legal documents submitted by Going the Distance.
 3. ESTABLISH an Ad Hoc Committee including representatives of the following departments/bureaus, to be jointly chaired by the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA), with the Mayor as an ex officio member: Transportation, Street Services, Police, Fire, Convention Center and all other departments as needed. The Ad Hoc Committee shall additionally include a representative of the Marathon's Official Charities. The purpose of this Committee is to meet, no less than every calendar quarter, with Going the Distance or successor entity to discuss issues and resolve potential problems concerning upcoming Marathon events. Further, the Committee shall submit a report to the Budget and Finance Committee annually, within 90 days following Los Angeles Marathon Day, which provides an assessment of the success of the event and areas needing improvement and correctional plans, as necessary, utilizing the goals and guidelines delineated in Recommendation 1b, specified above, to develop the Los Angeles Marathon into a world-class event.

4. INSTRUCT the Ad Hoc Committee to annually submit a “pre-race” progress report to the Council 90 days in advance of the LA Marathon event relative to implementation of the race, to ensure a successful event.

Fiscal Impact Statement: The CAO and CLA report that adoption of these recommendations will increase the General fund by \$537,391.34, the amount outstanding from the 2006, 2007 and 2008 Marathon payments. In addition, City permit and staff costs will be fully reimbursed, in accordance with the “Marathon Model,” and annual intellectual property royalty payments will be paid in an amount up to \$189,000 annually (CPI-U adjusted) and deposited into the Intellectual Property Trust Fund. These recommendations are in compliance with the City’s Financial Policies.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 47-48

(10 Votes Required for Consideration)

ITEM NO. (47) - Motion Required

[08-0002-S140](#)

CONSIDERATION OF RESOLUTION (GARCETTI - GREUEL - SMITH - ZINE - PARKS) relative to the City's position on the Federal Railroad Safety Improvement Act.

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

ADOPT the accompanying RESOLUTION to include in the City's 2007-08 Federal Legislative Program SUPPORT for the Federal Railroad Improvement Act; and URGE Congress to grandfather in the victims of last Friday's Metrolink Rail-Union Pacific crash in Chatsworth, and shorten the timetable for implementing positive train control systems and to consider additional rail safety measures.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

ITEM NO. (48) - Motion Required

[08-2483](#)

CONSIDERATION OF RESOLUTION (GARCETTI - GREUEL) relative to the City's position on the Rail Collision Prevention Act.

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

ADOPT the accompanying RESOLUTION to include in the City's 2007-08 Federal Legislative Program SUPPORT for the Rail Collision Prevention Act.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

EXHAUSTION OF ADMINISTRATIVE REMEDIES - If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

CODE OF CIVIL PROCEDURE SECTION 1094.5 - If a Council action is subject to judicial challenge pursuant to Code of Civil Procedure Section 1094.5, be advised that the time to file a lawsuit challenging a final action by the City Council is limited by Code of Civil Procedure Section 1094.6 which provides that the lawsuit must be filed no later than the 90th day following the date on which the Council's action becomes final.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 200 North Spring Street, City Hall, Room 395, during normal business hours.