

Los Angeles City Council, **Journal/Council Proceedings**
Friday, **June 22, 2007**
John Ferraro Council Chamber, Room 340, City Hall - 10:15 am

- - - SPECIAL COUNCIL MEETING - - -

10:15 A.M. OR AS SOON THEREAFTER
AS COUNCIL RECESSES ITS REGULAR MEETING

ROLL CALL - Members present: Alarcon, Cardenas, Greuel, Huizar, LaBonge, Parks, Perry, Reyes, Rosendahl, Smith, Weiss, Wesson and Zine (13); Absent: Hahn and President Garcetti (2).

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED UPON DURING THE COUNCIL MEETING

Items for Which Public Hearing Have Been Held - Items 34-39

ITEM NO. (34) - ADOPTED - FORTHWITH

Roll Call #3 - Motion (Reyes - Cardenas) Adopted, Ayes (13); Absent: Wesson and President Garcetti (2)

05-2716

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the reappointment of Ms. Ana E. Cubas to the Board of Information Technology Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor's reappointment of Ms. Ana E. Cubas to the Board of Information Technology Commissioners for the new term ending June 30, 2012, is APPROVED and CONFIRMED. Ms. Cubas resides in Council District One. (Current Board gender composition: M = 2; F = 3)

Ethics Commission Review: Complete

TIME LIMIT FILE - JULY 13, 2007

(LAST DAY FOR COUNCIL ACTION - JULY 13, 2007)

**Roll Call #1 - Motion (Rosendahl - Perry) Adopted, Ayes (13); Absent: Hahn and President Garcetti (2)
(Item Nos. 35-36)**

ITEM NO. (35) - ADOPTED - TO THE MAYOR FORTHWITH

06-0004

CD 11

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the Brentwood Village Property and Business Improvement District (PBID) Renewal.

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

1. FIND that:
 - a. The petitions submitted on behalf of the proponents of the proposed Brentwood Village PBID are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
 - b. All parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Brentwood Village PBID Management District Plan.
 - c. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Brentwood Village PBID Engineer's Report (attached to the City Clerk report dated June 7, 2007), the assessment levied on each parcel within the proposed Brentwood Village PBID is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - d. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Brentwood Village PBID Engineer's Report, there are no general benefits to be separated from the special benefits conferred on each parcel within the proposed PBID.
 - e. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Brentwood Village PBID Engineer's Report, no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
 - f. The services provided by the Owners' Association are in the nature of professional, expert, technical, or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable, or where the common law otherwise excuses compliance with competitive bidding requirements.
2. ADOPT:
 - a. The accompanying City Clerk report dated June 7, 2007, as the Preliminary Report of the City Clerk.

- b. The accompanying Brentwood Village PBID Management District Plan (attached to the City Clerk report dated June 7, 2007).
 - c. The accompanying Brentwood Village PBID Engineer's Report (attached to the City Clerk report dated June 7, 2007).
 - d. The accompanying ORDINANCE OF INTENTION to renew the Brentwood Village PBID (attached to the City Clerk report dated June 7, 2007).
3. APPROVE the Brentwood Village Business Association to serve as the Owners' Association to administer the Brentwood Village PBID.
 4. AUTHORIZE the City Clerk to execute a contract with the Brentwood Village Business Association, if the PBID is renewed.
 5. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
 6. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance renewing the Brentwood Village PBID for Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that there is no fiscal impact to the City's General Fund. City Clerk administrative expenses will be charged to the proposed Brentwood Village PBID and will be recovered from assessments collected. The amount of recoverable costs for the first year of the proposed PBID's operations is estimated to be \$3,750 or .5 percent of the proposed PBID's estimated first-year assessment revenue. If the Brentwood Village PBID's assessments are not placed on the County's annual property tax rolls, an additional one percent for processing of direct billing by the City Clerk's office will apply.

ITEM NO. (36) - ADOPTED - TO THE MAYOR FORTHWITH

07-0734

CD 9

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the formation of the South Park Business and Community Benefit District (SPBCBD) Property and Business Improvement District (PBID).

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

1. FIND that:
 - a. The petitions submitted on behalf of the proponents of the proposed SPBCBD PBID are signed by property owners who will pay more than 30 percent of the assessments proposed to be levied.
 - b. All parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the SPBCBD PBID Management District Plan.

- c. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the SPBCBD PBID Engineer's Report (attached to the City Clerk report dated June 8, 2007), the assessment levied on each parcel within the proposed SPBCBD PBID is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - d. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the SPBCBD PBID Engineer's Report, there are no general benefits to be separated from the special benefits conferred on each parcel within the proposed PBID.
 - e. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the SPBCBD PBID Engineer's Report, there are no general benefits to be separated from the special benefits conferred on each parcel within the proposed PBID.
 - f. In accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the SPBCBD PBID Engineer's Report, no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
 - g. The services provided by the Owners' Association are in the nature of professional, expert, technical, or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable, or where the common law otherwise excuses compliance with competitive bidding requirements.
2. ADOPT:
 - a. The accompanying City Clerk report dated June 8, 2007, as the Preliminary Report of the City Clerk.
 - b. The accompanying SPBCBD PBID Management District Plan (attached to the City Clerk report dated June 8, 2007).
 - c. The accompanying SPBCBD PBID Engineer's Report (attached to the City Clerk report dated June 8, 2007).
 - d. The accompanying ORDINANCE OF INTENTION to establish the SPBCBD PBID (attached to the City Clerk report dated June 8, 2007).
 3. APPROVE the South Park Stakeholders Group to serve as the Owners' Association to administer the SPBCBD PBID.
 4. AUTHORIZE the City Clerk to execute a contract with the South Park Stakeholders Group, if the PBID is established.
 5. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).

6. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance establishing the SPBCBD PBID for Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that assessments levied on the City-owned properties within the PBID to be paid from the General Fund total \$85,355.30 for the first year of the SPBCBD PBID. Funding is available in the Business Improvement District Trust Fund No. 659 to pay the General Fund share of assessments for the first operating year. Assessments levied on the Los Angeles Department of Water and Power and Community Redevelopment Agency properties within the PBID will not be paid from the General Fund.

The City Clerk further reports that its administrative expenses will be charged to the proposed SPBCBD PBID and will be recovered from assessments collected. The amount of recoverable costs for the first year of the proposed PBID's operations is estimated to be \$24,063.72 or two percent of the proposed PBID's estimated first-year assessment revenue. If the SPBCBD PBID's assessments are not placed on the County's annual property tax rolls, an additional one percent for processing of direct billing by the City Clerk's office will apply.

**Roll Call #4 - Motion (Smith - Reyes) Adopted, Ayes (13); Absent: Wesson and President Garcetti (2)
(Item Nos. 37-38)**

**ITEM NO. (37) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS -
SEE FOLLOWING - TO THE MAYOR FORTHWITH**

[07-0002-S95](#)

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST and the BOARD OF PUBLIC WORKS relative to the City's position on Assembly Bill 258, "Environment: Marine Debris: Plastic Discharges."

(Intergovernmental Relations Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Intergovernmental Relations Committee at 213-978-1073.)

ADOPTED

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT relative to the City's position on Assembly Bill (AB) 258 (Krekorian), "Environment: Marine Debris: Plastic Discharges."

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

RESOLVE to include in the City's 2007-08 State Legislative Program **SUPPORT** of AB 258 (Krekorian), which would require the State Coastal Commission to implement a statewide marine debris reduction effort in order to control the discharges of plastic refuse.

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

**ITEM NO. (38) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS -
SEE FOLLOWING - TO THE MAYOR FORTHWITH**

07-0002-S151

COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST in response to Resolution (Smith - Reyes) relative to the City's position on Senate Bill 303 (Ducheny) which would mandate on local government many changes in the planning and zoning process to more frequently revise their housing elements and to significantly increase requirements for open space, all of which without funding or adequate clarification.

(Intergovernmental Relations Committee report to be submitted in Council. If a public hearing is not held in Committee, an opportunity for public comment will be provided.)

(For background reports and materials related to this matter, contact the Legislative Assistant for the Intergovernmental Relations Committee at 213-978-1073.)

ADOPTED

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT relative to the City's position on Senate Bill 303 (Ducheny) which would mandate on local government many changes in the planning and zoning process.

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

RESOLVE to include in the City's 2007-08 State Legislative Program **OPPOSITION** of SB 303 (Ducheny) which would impose on local government zoning and planning various mandates for revising the general plan and the housing element of each jurisdiction to identify and allocate land for development of housing and open space, without commensurate cost recovery.

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

ITEM NO. (39) - ADOPTED - FORTHWITH

Roll Call #1 - Motion (Rosendahl - Perry) Adopted, Ayes (13); Absent: Hahn and President Garcetti (2)

07-1618

PERSONNEL COMMITTEE REPORT relative to the replacement of the Personnel Department's obsolete LINX, the existing workers' compensation claims management system.

Recommendations for Council action:

1. AUTHORIZE the Personnel Department to negotiate and execute a personal services contract with Gartner Inc., for a needs/requirements study and assistance with the preparation of a Request for Proposals (RFP) to replace the City's workers' compensation claims management system, consistent with the terms and conditions of the contract for similar services provided to the Controller's Office in connection with the Financial Management System, in an amount not to exceed \$300,000, subject to the approval of the City Attorney.
2. AUTHORIZE the Personnel Department, with the assistance of the Information Technology Agency (ITA) and the City Attorney, to develop and release an RFP for a system to replace the existing LINX Workers' Compensation Claims Management System.
3. INSTRUCT the City Clerk to place on the Council calendar for the first regular meeting on or after JULY 1, 2007, the following actions relative to the replacement of the LINX Workers' Compensation Claims Management System:
 - a. TRANSFER \$3,112,000 from the Reserve Fund to the Unappropriated Balance (UB) to an account for the replacement of the LINX Workers' Compensation Claims Management System.
 - b. APPROPRIATE therefrom \$890,008 to the ITA, Fund No. 100/32, Communications Services Account No. 9350 for the installation of Category 6A cabling in the Personnel Building.
 - c. TRANSFER \$250,000 from the Reserve Fund to the UB and appropriate therefrom to the Personnel Department Fund No. 100/66, Contractual Services Account No. 3040 for the needs/requirements study and assistance with preparation of the LINX replacement RFP.
 - d. AUTHORIZE and direct the ITA to proceed with re-cabling the Personnel Building in preparation for the replacement of the Workers' Compensation Claims Management System (LINX).
4. INSTRUCT the Personnel Department to report to the Council and Mayor with a recommended vendor and funding required for the LINX replacement system.

Fiscal Impact Statement: The City Administrative Officer reports that the exact cost of the new workers' compensation claims management system is unknown, but is projected to exceed the \$3.312 million available in the UB. This report, as revised, recommends that, on or after July 1, 2007, the entire amount of funding available in the UB (\$3.312 million) plus \$50,000 currently available in the Contractual Services Account of the Personnel Department, both of which are anticipated to revert at the end of the 2006-07 Fiscal Year, be reappropriated. This funding will be needed to re-cable the Personnel Building, contract with Gartner, Inc. for consulting services, and provide the majority of the funding to replace LINX. The recommendations contained in this report are in compliance with the City's Financial Policies in that one-time savings would be used for a one-time use with the goal of achieving ongoing savings in maintenance and support costs, with the added benefit of higher and more responsive service.

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

Items for Which Public Hearings Have Not Been Held - Items 40-41

(10 Votes Required for Consideration)

ITEM NO. (40) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS, AS AMENDED - SEE FOLLOWING - FORTHWITH

Roll Call #5 - Motion (Smith - Hahn) to Adopt as Amended, Ayes (11); Absent: Greuel, Huizar, Perry and President Garcetti (4)

07-1876

COMMUNICATION FROM CHAIR and MEMBER, ENERGY AND ENVIRONMENT COMMITTEE relative to the proposed agreements for multi-family residential recycling services for the South, West and Central Los Angeles and Valley regions.

SUBMITS WITHOUT RECOMMENDATION the recommendations of the City Administrative Officer (CAO):

1. AUTHORIZE the Board of Public Works, subject to the approval of City Attorney as to form and legality, to:
 - a. Execute an agreement with Full Circle Recycling for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$4,200,000 for the for the initial five year term.
 - b. Execute an agreement with Universal Waste Systems for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$20,000,000 for the for the initial five year term.
 - c. Execute an agreement with NASA Services, Inc. for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$20,000,000 for the initial five year term.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund as funding for these agreements is available in the Citywide Recycling Trust Fund. Future year funding is subject to the approval of the annual budget by the Mayor and Council. The recommendation contained in this report is consistent with the City's Financial Policies in that ongoing special fund revenues are available and eligible to support this purpose and the continuation of the agreements will be subject to funding on an annual basis as part of the regular budget process.

ADOPTED, AS AMENDED

MOTION (SMITH - HAHN)

Recommendations for Council action:

1. **AUTHORIZE the Board of Public Works, subject to the approval of City Attorney as to form and legality, to:**
 - a. **Execute an agreement with Full Circle Recycling for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$4,200,000 for the initial five year term.**
 - b. **Execute an agreement with Universal Waste Systems for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$20,000,000 for the initial five year term.**
 - c. **Execute an agreement with NASA Services, Inc. for a term of five years, with two options to renew for an additional two years each, for the collection and processing of recyclable materials from multi-family residences for an amount not to exceed \$20,000,000 for the initial five year term.**
- *2. **RESOLVE that should multi-family recycling be made mandatory by the State of California, the CONTRACTS are void unless all parties can agree to a new pricing structure.**
***(Perry - Smith)**

Fiscal Impact Statement: The City Administrative Officer reports that there is no impact to the General Fund as funding for these agreements is available in the Citywide Recycling Trust Fund. Future year funding is subject to the approval of the annual budget by the Mayor and Council. The recommendation contained in this report is consistent with the City's Financial Policies in that ongoing special fund revenues are available and eligible to support this purpose and the continuation of the agreements will be subject to funding on an annual basis as part of the regular budget process.

ITEM NO. (41) - APPROVED

Roll Call #2 - Motion (Huizar - Greuel) Adopted, Ayes (13); Absent: Hahn and President Garcetti (2)

07-1980

et al. 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:

07-1980

- CD 14 a. FINAL MAP OF TRACT NO. 53871-02 for property lying easterly of Los Angeles Street and southerly of Seventh Street.
(Bond No. C-111731)
(Quimby Fee: \$274,357)
Applicants: MJW Investments
Yale Partners

07-1999

- CD 2 b. FINAL MAP OF TRACT NO. 61589 for property lying northerly of Greeley Street and westerly of Marcus Avenue.
(Bond No. C-111733)
(Quimby Fee: \$53,544)
Applicants: Mahnaz Aalam
Techna Land Co.

07-2000

- CD 2 c. FINAL MAP OF TRACT NO. 65249 for property lying easterly of Coldwater Canyon Avenue and northerly of Landale Street.
(Bond No. C-111732)
Applicants: Coldwater Canyon Equities
Brandon M. Hahn

Councilmember Wesson moved, seconded by Councilmember LaBonge, that the Special Council meeting adjourn.

Ayes, Alarcon, Cardenas, Hahn, LaBonge, Parks, Reyes, Rosendahl, Smith, Weiss, Wesson and Zine (11); Absent: Greuel, Huizar, Perry and President Garcetti (4).

Whereupon the Special Council meeting did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT PRO TEMPORE OF THE CITY COUNCIL