

Los Angeles City Council, **Journal/Council Proceedings**
Friday, **November 2, 2012**
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Alarcón, Buscaino, Englander, Garcetti, Huizar, Krekorian, LaBonge, Parks, Reyes, Zine and President Wesson (11); Absent: Cárdenas, Koretz, Perry and Rosendahl (4)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
OCTOBER 30, 2012

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 9

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

Item Noticed for Public Hearing - Item 1

ITEM NO. (1) - ADOPTED

Adopted, Ayes (12); Absent: CARDENAS, PERRY, ROSENDAHL (3)

[12-0600-S160](#)

EXEMPTION, COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) and Los Angeles Administrative Code (LAAC) to increase the General Plan Maintenance Surcharge to fund a comprehensive revision to the City of Los Angeles Zoning Code.

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

1. FIND the ORDINANCE is exempt from the provisions of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) and Article II, Section 2(m) of the City's CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the proposed ordinance merely increases the existing general plan maintenance surcharge fee from three percent to five percent for a period of five years.
2. PRESENT and ADOPT the accompanying ORDINANCE dated October 2, 2012 amending LAMC Sections 19.16 and 98.0418 and LAAC Subsection (d) of Section 5.400, relating to the increase to the General Plan Maintenance Surcharge to fund a comprehensive revision to the City of Los Angeles Zoning Code, to sunset five years after the effective date of the Ordinance.

3. NOT PRESENT and ORDER FILED the ORDINANCE dated August 13, 2012 amending LAMC Sections 19.16 and 98.0418 and LAAC Subsection (d) of Section 5.400, relating to the increase to the General Plan Maintenance Surcharge to fund a comprehensive revision to the City of Los Angeles Zoning Code, to sunset on June 30, 2017.

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)

Items for Which Public Hearings Have Been Held - Items 2-7

**Adopted, Ayes (11); Absent: CARDENAS, KORETZ, PERRY, ROSENDAHL (4)
(Item Nos. 2-5)**

ITEM NO. (2) - ADOPTED

[11-1658](#)

AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE REPORT relative to contracts administered by the Board of Public Works (Board) where the contractor and the City share a dedicated revenue stream.

Recommendation for Council action:

NOTE and FILE the Motion (Zine - Huizar) relative to contracts administered by the Board where the contractor and the City share a dedicated revenue stream.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (3) - ADOPTED

[12-0600-S165](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to an update on the redirection of ex-Community Redevelopment Agency (CRA) Tax Increment Monies.

Recommendation for Council action:

NOTE and FILE the Controller's report relative to an update on the redirection of ex-CRA Tax Increment Monies.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (4) - ADOPTED

[12-1571](#)

BUDGET AND FINANCE COMMITTEE REPORT relative to a contract extension and release of a Request for Proposal (RFP) for property tax allocation services.

Recommendations for Council action:

1. AUTHORIZE the Controller to execute the Supplemental Agreement, attached to the Council file, to extend the MuniServices, Inc. contract (C-111480) to June 30, 2013.
2. REQUEST the Controller to examine the above Contractor's work papers and obtain information on errors which may have lead to misallocated property taxes.
3. REQUEST the Controller to review and analyze the type of errors discovered by the Contractor, especially recurring errors, and report back to the Budget and Finance (BF) Committee with recommendations to prevent future errors and resolve any issues related to the County's allocation of property taxes.
4. DIRECT the Inspector General to review the proposed Property Tax Allocation Audit and Recovery RFP and report back to the BF Committee in 30 days prior to the Controller's release of the RFP with any recommendations on opportunities for consolidation and/or efficiencies.
5. REQUEST the Controller to report back to the BF Committee prior to executing any new contract for property tax allocation services with a contingency fee rate exceeding the current rate of 14.5 percent.

Fiscal Impact Statement: None submitted by the Controller. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (5) - ADOPTED

[10-1955-S1](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the 2010 Port Security Program Grant Award for use by the Los Angeles Fire Department (LAFD).

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

1. AUTHORIZE the Fire Chief to:

- a. Accept the award of the 2010 Port Security Program Grant Award in the amount of \$1,530,000, and execute a Memorandum of Agreement on behalf of the City with the Area Maritime Security Committee and the legally designated Fiduciary Agent, the Marine Exchange, to receive reimbursement for training and training consumables purchased through the grant for the period September 30, 2010 through December 30, 2013.
 - b. Expend up to the grant amount of \$1,530,000 in accordance with the grant award agreement, of which up to \$1,150,000 will be spent from various salary accounts for backfill and overtime costs and up to \$380,000 for supplies and equipment to be fully reimbursed by this grant.
2. AUTHORIZE the Controller to transfer:
- a. Up to \$380,000 from grant funds from Department 38/100, Account 1012 (Salaries, Sworn) to Department 38/335, Account to be determined, to support the necessary expense and purchase of equipment items that will be reimbursed by this grant.
 - b. 2010 Port Security Grant funds from Fund 335/38, Account to be determined to Fund No. 100/38, Account 1012, Salaries Sworn, Account 1093 (Overtime, Constant Staffing) and Account 1098 (Overtime, Variable Staffing), upon submission of proper documentation by the LAFD of actual costs incurred, subject to the review and approval of the City Administrative Officer (CAO), through the end of the grant term of December 30, 2013.
 - c. The uncommitted balance of advanced funds as referenced in Recommendation No. 2.a, as of May 1, 2013, from Department 38/335, Account to be determined, to Department 38/100, Account 1012 Salaries Sworn) to meet payroll needs.
3. AUTHORIZE the LAFD to prepare Controller's instructions for any technical adjustments consistent with this action, subject to the approval of the CAO; and, REQUEST that the Controller implement the instructions.

Fiscal Impact Statement: The CAO reports that this action does not impact the General Fund. Approval of the above recommendations is in compliance with City financial policies inasmuch as all eligible grant costs are fully reimbursed to support the LAFD's Port Security mission.

Community Impact Statement: None submitted.

ITEM NO. (6) - ADOPTED - TO THE MAYOR FORTHWITH

Adopted, Ayes (12); Absent: CARDENAS, PERRY, ROSENDAHL (3)

[11-1272](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the Fiscal Year (FY) 2012-13 Real Estate Fraud Prosecution Program Grant Award for use by the Los Angeles Police Department's (LAPD) Real Estate Fraud Unit, Commercial Crimes Division.

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

1. AUTHORIZE the Chief of Police, or designee, to:
 - a. Retroactively apply for and accept the FY 2012-13 Real Estate Fraud Prosecution Grant in the amount of \$605,260 from the County of Los Angeles Real Estate Fraud Prosecution Trust Fund Committee for the period July 1, 2012 through June 30, 2013.
 - b. Execute the 2012-13 Real Estate Fraud Prosecution Grant Award Agreement on behalf of the City and submit all necessary documents relative to the grant award and to negotiate, execute, and submit any other necessary agreements and documents relative to the grant, 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 LAPD Grant Trust Fund No. 339/70.
 - b. Spend up to the grant amount of \$605,260 in accordance with the grant award agreement.
3. AUTHORIZE the Controller to:
 - a. Establish a grant receivable in Fund 339 in the amount of \$605,260 and establish an appropriation account, account number to be determined, within Fund 339/70 for the receipt and disbursement of grant funds.
 - b. Increase appropriations on an as-needed basis, as follows:

	<u>Fund/Dept.</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	339/70	70XXXX	2012-13 Real Estate Fraud Prosecution	\$400,393
	<u>Fund/Dept.</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
To:	100/70	001010	General Salaries	\$378,948
	100/70	001012	Sworn Salaries	<u>21,445</u>
			Total:	\$400,393

- c. Transfer appropriations within Fund 339, Department 70, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	70XXXX	2012-13 Real Estate Fraud Prosecution	\$188,867
	<u>Account</u>	<u>Title</u>	<u>Amount</u>
To:	70H299	Police Related Costs	\$188,867

4. AUTHORIZE the LAPD to prepare Controller instructions for any technical adjustments consistent with this action, subject to the approval of the City Administrative Officer (CAO); and, REQUEST that the Controller implement the instructions.

Fiscal Impact Statement: The CAO reports that this action does not impact the General Fund. Approval of the above recommendations will allow for the expenditure of the FY 2012-13 Real Estate Fraud Prosecution Program Grant Award totaling \$605,260. The grant will provide 100 percent of the salary and fringe benefits costs of three Detective positions and 34 percent of the salary and fringe benefits costs of the remaining Detective position, and overtime funding for sworn personnel. No matching funds are required for this grant. The additional sworn salary and fringe benefits costs are already included in the FY 2012-13 Adopted Budget.

Community Impact Statement: None submitted.

ITEM NO. (7) - ADOPTED

Adopted, Ayes (11); Absent: CARDENAS, KORETZ, PERRY, ROSENDAHL (4)

[12-1586](#)

PUBLIC SAFETY COMMITTEE REPORT relative to the Fiscal Year (FY) 2011 Assistance for Firefighters Program Grant Award for use by the Los Angeles Fire Department (LAFD).

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

1. AUTHORIZE the LAFD to accept the FY 2011 Assistance to Firefighters Program Grant Award in the amount of \$2,036,450 from the Office for Domestic Preparedness, United States Department of Homeland Security, and execute a 20 percent match agreement for the grant term of February 13, 2012 through February 12, 2013, to procure 288 automated external defibrillators, 25 12-lead cardiac care monitors/defibrillators, and 78 mobile data computers for emergency response vehicles, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the Controller to:
 - a. Establish an appropriation account, account number to be determined, within Fund 335/38 for the disbursements of the 2011 Assistance to Firefighters Grant Program.
 - b. Transfer \$1,629,160 from Fund 100/38, Account 1012 to Fund 335/38 (Fire Department Grants), Account to be designated specifically for this purpose.
 - c. Transfer \$407,290 from Fund 100/38, Account 6020 Operating Supplies, as the 20 percent match required by the grant guideline, to Fund 335/38 (Fire Department Grants), Account to be designated specifically for this purpose, to support the purchase of necessary items as the required cost match of the 2011 Assistance to Firefighters Grant Program.
3. AUTHORIZE the LAFD to expend up to \$2,036,450 to procure 288 automated external defibrillators, 25 12-lead cardiac monitors/defibrillators, and 78 mobile data computers for emergency response vehicles in accordance with the terms of the Assistance for Firefighters Program.
4. AUTHORIZE the Fire Chief to submit grant reimbursement requests to the grantor and deposit grant receipts in Fund 335/38, Account to be determined.

5. AUTHORIZE the LAFD to transfer:

- a. Up to \$1,629,160 from Fund 335, Account to be determined, to restore the funds transferred from Fund 100/38, Account 1012, Salaries, Sworn to repay the amount borrowed.
- b. Any residual funds in Fund 335, Account to be determined, to the appropriate fund and accounts of origin.

Fiscal Impact Statement: The City Administrative Officer reports that this action does not impact the General Fund. The acceptance and use of the grant funds is consistent with City financial policies in that Federal grant funds will be used to fund one-time expenditures. The 20 percent match of \$407,290 is funded in the LAFD's 2012-13 Adopted Budget for this purpose.

Community Impact Statement: None submitted.

Items for Which Public Hearings Have Not Been Held - Items 8-10

(10 Votes Required for Consideration)

Adopted, Ayes (12); Absent: CARDENAS, PERRY, ROSENDAHL (3)
(Item Nos. 8a-8f)

ITEM NO. (8) - ADOPTED

[12-0005-S555](#)

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 October 26, 2012:

[12-0005-S555](#)

CD 9

- a. Property at 872 East 52nd Street (Case No. 315689).
Assessor I.D. No. 5103-026-027

[12-0005-S556](#)

CD 9

- b. Property at 872 East 52nd Street (Case No. 356638).
Assessor I.D. No. 5103-026-027

[12-0005-S557](#)

CD 13

- c. Property at 1600 North Serrano Avenue (Case No. 26927).
Assessor I.D. No. 5544-020-010

[12-0005-S558](#)

CD 14

- d. Property at 3311 East Estrada Street (Case No. 285069).
Assessor I.D. No. 5190-023-024

[12-0005-S559](#)

CD 14

- e. Property at 3311 East Estrada Street (Case No. 349484).
Assessor I.D. No. 5190-023-024

[12-0005-S560](#)

CD 15

- f. Property at 462 West First Street (Case No. 378135).
Assessor I.D. No. 7449-022-008

ITEM NO. (9) - ADOPTED - FORTHWITH

Adopted, Ayes (11); Absent: CARDENAS, PERRY, ROSENDAHL, WESSON (4)

[12-1632](#)

CD 8

CONSIDERATION OF MOTION (PARKS - PERRY) relative to the development and maintenance of a vacant parcel of land at 8102 South Vermont Avenue in Los Angeles as a community park.

Recommendations for Council action:

1. INSTRUCT the Department of General Services to effectuate a non-financial transfer of jurisdiction of 8102 South Vermont Avenue, Los Angeles, CA 90044, Assessor Parcel Number 6032-005-900 to the Department of Recreation and Parks.
2. REQUEST that the Board of Recreation and Parks consider, approve, and accept the transfer of jurisdiction of the property located at 8102 South Vermont Avenue and dedicate it as park property in perpetuity.

Community Impact Statement: None submitted.

(Information Technology and General Services Committee waived consideration of the above matter)

ITEM NO. (10) - ADOPTED

Adopted, Ayes (12); Absent: CARDENAS, PERRY, ROSENDAHL (3)

[12-1679](#)

RESOLUTION (ALARCON - GARCETTI) relative to declaring Saturday, November 3, 2012 as The Make-Up Artists and Hair Stylists Guild, LATSE Local 706 Day 2012 in the City of Los Angeles.

Recommendation for Council action:

RESOLVE to DECLARE Saturday, November 3, 2012 as The Make-Up Artists and Hair Stylists Guild, LATSE Local 706 Day 2012 in the City of Los Angeles.

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

12-1733

MOTION (ALARCON - LABONGE) relative to funding for the creation of a map of the Hansen Dam area.

12-1732

MOTION (LABONGE - KREKORIAN) relative to selling / disposing of real property located at 4214-4216 Los Feliz Boulevard, Los Angeles CA 90027 (APN 5591-002-003) left to the Los Angeles Zoo and eight other beneficiaries by the bequest of the late Gladys Vierling.

12-1738

MOTION (ALARCON - BUSCAINO) relative to Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) relative to financing the new construction of 150 affordable units for senior citizens for the Sylmar Court Project located at 12415 San Fernando Road.

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

12-1657-S1

RESOLUTION (LABONGE - KREKORIAN) relative to reducing from 24 to 10 days, the public hearing notice period of the NBC Universal Evolution Plan Development Agreement.

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

12-0004-S3 - Pancreatic Cancer Awareness Month

Buscaino - Koretz - All Councilmembers

Alarcón, Buscaino, Englander, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Parks, Reyes and Zine (11); Absent: Cárdenas, Perry, Rosendahl and President Wesson (4)

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 11:09 a.m.
Special meeting convened at 11:09 a.m.
Special meeting adjourned at 11:38 a.m.
Regular meeting convened at 11:38 a.m.