Los Angeles City Council, Journal/Council Proceedings
Wednesday, November 14, 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, Koretz, LaBonge, Parks, Perry, Rosendahl, Zine and President Wesson (12); Absent: Cárcenas, Krekorian, Reyes (3)


COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

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

Items Noticed for Public Hearing - Items 1-6

Adopted, Ayes (13); Absent: CARDENAS, REYES (2)
(Item Nos. 1-6)

ITEM NO. (1) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON DECEMBER 5, 2012

12-1009
CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Purdue and Mississippi Avenues Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 12, 2012 - Continue hearing and present Ordinance on December 5, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)
ITEM NO. (2) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON DECEMBER 5, 2012

12-1010
CD 5

HEARING PROTESTS against the proposed improvement and maintenance of the Balboa Boulevard and Addison Street Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 12, 2012 - Continue hearing and present Ordinance on December 5, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON DECEMBER 5, 2012

12-1137
CD 15

HEARING PROTESTS against the proposed improvement and maintenance of the Sepulveda Boulevard and Halldale Avenue Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 12, 2012 - Continue hearing and present Ordinance on December 5, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (4) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON DECEMBER 5, 2012

12-1279
CD 11

HEARING PROTESTS against the proposed improvement and maintenance of the Darlington and Granville Avenues No. 2 Lighting District.

Recommendation for Council action:
HEAR PROTESTS against the proposed improvement and maintenance of the Darlington and Granville Avenues No. 2 Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.

(Ordinance of Intention adopted on September 12, 2012 - Continue hearing and present Ordinance on December 5, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (5) - PUBLIC HEARING HELD - CONTINUE HEARING AND ORDINANCE TO BE PRESENTED ON DECEMBER 5, 2012

12-1280
CD 15

HEARING PROTESTS against the proposed improvement and maintenance of the Gaffey and Basin Streets Lighting District.

Recommendation for Council action:

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

(Ordinance of Intention adopted on September 12, 2012 - Continue hearing and present Ordinance on December 5, 2012 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (6) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

12-1720

HEARING PROTEST relative to Office of Finance report requesting approval to record a lien against taxpayer for unpaid taxes.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance to record a lien for unpaid taxes in the amount stated below, pursuant to Los Angeles Municipal Code Section 21.15(o) for the following:

Car Park Inc. (Lien: $14,226.54)
Items for Which Public Hearings Have Been Held - Items 7-14

ITEM NO. (7) - ADOPTED - FORTHWITH

Adopted, Ayes (14); Absent: CARDENAS (1)

COMMUNICATION FROM THE MAYOR AND CITY ETHICS COMMISSION relative to the appointment of Ms. Maria Bell to the Cultural Affairs Commission for the term ending June 30, 2017.

Recommendation for Council action:

RESOLVE that the Mayor’s appointment of Ms. Maria Bell to the Cultural Affairs Commission for the term ending June 30, 2017 is APPROVED and CONFIRMED. Ms. Bell resides in Council District Five. (Current Board gender composition: M = 3; F = 4)

Ethics Commission Review: Complete.

Background Check Review: Complete.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 15, 2012

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 14, 2012)

(Arts, Parks, Health, and Aging 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 lacouncilfile.com for background documents.)

ITEM NO. (8) - ADOPTED, AS AMENDED - SEE FOLLOWING

Adopted as Amended, Ayes (14); Absent: CARDENAS (1)

ENVIRONMENTAL IMPACT REPORT (EIR), STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, and RESOLUTION relative to a General Plan Amendment and zone change for the construction of a studio-use office, hotel and entertainment retail for property at 100 Universal City Plaza.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
1. CERTIFY that the Environmental Impact Report (EIR No. ENV-2007-254-EIR, State Clearing House No. 2007071036) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 12-1657 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 Environmental Impact Report.

2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department and ADOPT the Statement of Overriding Considerations.

3. ADOPT the FINDINGS pursuant to and in accordance with Section 21081.6 of the California State Public Resources Code, the Mitigation Monitoring and Reporting Program as the Findings of Council and ADOPT the Mitigation Monitoring and Reporting Program.

4. ADOPT the FINDINGS of the Planning and Land Use Management (PLUM) Committee, including the Environmental Findings, as the Findings of the Council.

5. APPROVE the October 18, 2012 recommendations of the Los Angeles City Planning Commission (LACPC).

6. ADOPT the accompanying revised RESOLUTION, approved by the PLUM Committee (and attached to the file), APPROVING the proposed General Plan Amendment to change the land use designation from Open Space, Minimum Density Residential, Very Low Density Residential, Medium Density Residential, Limited Commercial, Community Commercial, and Regional Center Commercial to Regional Commercial within the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan (as shown in exhibits contained in the Council file) for the construction of a studio-use office, hotel and entertainment retail and related amenities and any community facilities established for the construction, implementation and maintenance of the project as described in the project approvals, for property located at 100 Universal City Plaza.

   Applicant: Universal City Studios, LLC
   Representative: George Mihlsten/Maria Hoye, Latham and Watkins LLP

   CPC-2007-251-GPA-ZC-SP-SPA-CA  
   CPC-2007-252-AD  
   CPC-2007-253-DA

7. INSTRUCT the City Planning Department to prepare and present to Council the necessary ORDINANCE to effectuate a zone change from OS-1XL, RE40-1, RE20-1, RE20-1-H, RE15-1-H, R1-1, P-1 PB-1, (Q)C1-1L, and C2-1 to [Q]C2-1-SN Zone, subject to Conditions of Approval, for the construction of a studio-use office, hotel and entertainment retail for property located at 100 Universal City Plaza.

8. INSTRUCT the City Planning Department to update the General Plan and appropriate maps pursuant to this action.
9. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

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

11. APPROVE the additional public benefits recommendations (attached to the file) submitted by Council Districts Two and Four on October 23, 2012, to be included in the Development Agreement currently under preparation and review with the City Attorney.

12. APPROVE the modifications and technical corrections dated October 23, 2012 submitted by Latham and Watkins LLP, as verbally amended by City Planning Department, and the City Planning Department corrections and clarifications submitted to the PLUM Committee on October 23, 2012. (Attached to the file)

13. REQUEST the City Attorney to:
   a. Prepare a Development Agreement between the City of Los Angeles and Universal City Studios, LLLP, L.P. for an 18-year term.
   b. Include in the Development Agreement between the City of Los Angeles and Universal City Studios, LLLP, L.P. the Trailhead Park matter as a public benefit.

14. REQUEST that the Local Agency Formation Commission to consider: an amendment to the City’s Sphere of Influence, a Pre-Annexation Agreement and Annexation of Land from the unincorporated area of the County of Los Angeles to the City of Los Angeles, and a Detachment of Land to the unincorporated County of Los Angeles.

15. REQUEST the Los Angeles County Planning Commission the noise impact matter, which affects City residents, relative to filming on County of Los Angeles land.

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: Yes

For proposal: Hollywood Hills West Neighborhood Council
Greater Toluca Lake Neighborhood Council

TIME LIMIT FILE - JANUARY 2, 2013
(LAST DAY FOR COUNCIL ACTION - JANUARY 2, 2013)
ADOPTED, AS AMENDED

AMENDING MOTION (REYES - LABONGE)

Recommendations for Council action:

ADOPT the below indicated revisions to recommendations 13a, 14 and 15.

13. REQUEST the City Attorney to:

   a. Prepare a Development Agreement between the City of Los Angeles and Universal City Studios, LLLP, L.P. for an 18-year term and prepare any necessary recommendations by the Boundary Adjustment Board.

14. REQUEST that the Local Agency Formation Commission to consider: an amendment to the City's Sphere of Influence, a Pre-Annexation Agreement and Annexation of land from the unincorporated area of the County of Los Angeles to the City of Los Angeles, and a Detachment of Land to the unincorporated County of Los Angeles, will be submitted at a later time.

15. REQUEST the Los Angeles County Regional Planning Commission and Los Angeles County Board of Supervisors, consider the noise matter, which affects City residents, relative to filming on County of Los Angeles land.

Adopted, Ayes (13); Absent: CARDENAS, REYES (2)
(Item Nos. 9-11)

ITEM NO. (9) - ADOPTED

12-0199

BUDGET AND FINANCE COMMITTEE REPORT relative to a refund claim filed by Next Century Associates, LLC.

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

APPROVE the refund claim filed by Next Century Associates, LLC for overpayment of business tax in the amount of $245,510.28 plus accumulated interest.

Fiscal Impact Statement: None submitted by the Office of Finance. 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. (10) - ADOPTED

12-1624

BUDGET AND FINANCE COMMITTEE REPORT relative to a contract amendment with Linea Solutions, Inc. for project management services.
Recommendation for Council action, as initiated by Motion (Krekorian - Koretz):

APPROVE a contract amendment between the Los Angeles City Employees' Retirement System (LACERS) and Linea Solutions, Inc. to provide project management services for the duration of the LACERS' Pension Administration System Replacement Project plus one month, and AUTHORIZE the General Manager of LACERS to execute the amendment.

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.

ITEM NO. (11) - ADOPTED

12-0600-S116

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to identifying additional $50,000 in funds for the New Horizons Adult Learning Center Expansion Project located at 15725 Parthenia Street.

Recommendations for Council action, as initiated by Budget Motion (England - Cárdenas), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Community Development Department (CDD) to:
   a. Amend the appropriate Consolidated Plan(s) in conformance with all U.S Department of Housing and Urban Development requirements, including the citizen participation process.
   b. Negotiate and execute an amendment to the New Horizons' Contract No. C-118497 to add $50,000 in Community Development Block Grant funds from the Lucky Brand Project funding, and extend this Contract one year to October 5, 2013 to allow project completion.
   c. Prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.

2. AUTHORIZE the Controller to:
   a. Decrease appropriations in the amount of $50,000 from account 22G726 Lucky Brand within the Community Development Trust Fund No. 424.
   b. Establish new account 22J602 New Horizons and appropriate $50,000 within the Community Development Trust Fund No. 424.
Fiscal Impact Statement: The CDD reports that there is no City General Fund impact related to the recommendations contained in this report.

Community Impact Statement: None submitted.

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

ITEM NO. (12) - CONTINUED TO DECEMBER 4, 2012

Adopted to Continue, Unanimous Vote (13); Absent: CARDENAS, REYES (2)

12-1022

CD 14

MITIGATED NEGATIVE DECLARATION and COMMUNICATIONS FROM THE MAYOR, DIRECTOR OF PLANNING, and LOS ANGELES CITY PLANNING COMMISSION (LACPC) relative to an appeal filed by Sivoush Nayyeri from the determination of the LACPC in: not adopting the MND, disapproving a General Plan Amendment to the Boyle Heights Community Plan from Public Facilities to Medium Density Residential; and disapproving a zone and height district change from PF-1XL to (T)(Q)R3-1, for the proposed construction of a four-story, maximum 45 foot high, 40 unit apartment building, providing 80 parking spaces, located on a 26,253 irregularly shaped site for property located at 1755 East Third Street.

Applicant: Sivoush Nayyeri
Representative: Emilio Gutierrez

CPC 2009-3210-GPA-ZC-HD

TIME LIMIT FILE - DECEMBER 14, 2012

(LAST DAY FOR COUNCIL ACTION - DECEMBER 14, 2012)

(Planning and Land Use Management 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 www.lacouncilfile.com for background documents.)

(Continued from Council meeting of September 19, 2012)

ITEM NO. (13) - CONTINUED TO JANUARY 16, 2013

Adopted to Continue, Unanimous Vote (13); Absent: CARDENAS, REYES (2)

12-1564

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

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

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

Community Impact Statement: None submitted.

(Continued from Council meeting of October 24, 2012)

ITEM NO. (14) - ADOPTED

Adopted, Ayes (11); Noes: ENGLANDER, PARKS, PERRY (3); Absent: CARDENAS (1)

ENERGY AND ENVIRONMENT and AD HOC ON WASTE REDUCTION AND RECYCLING COMMITTEES’ REPORT and ENERGY AND ENVIRONMENT COMMITTEE MINORITY REPORT relative to the commercial and multifamily refuse collection, the creation of a franchise system for private haulers operating in the City of Los Angeles (City), and related matters in response to various motions on waste management in the City.

A. ENERGY AND ENVIRONMENT and AD HOC ON WASTE REDUCTION AND RECYCLING COMMITTEES REPORT

Recommendations for Council action:

1. INSTRUCT the Bureau of Sanitation (BOS) to develop an Exclusive (one hauler per franchise area) Franchise Implementation Plan for solid waste collection in the City, including a timeline, staffing requirements, and a transition plan, that also includes and/or recommends strategies to address the following elements:

   a. Combining the commercial and multifamily franchising processes to generate a higher diversion rate, promote more efficient routing, and reduce truck traffic, vehicle emissions, and noise.

   b. The number of franchises and franchise service-area boundaries, and a transparent methodology for determining the proposed number and boundaries.
c. Methods to enable the participation of small haulers, such as through “small enterprise” service zone(s) that allow for small hauler competition and incubation; and/or subcontracting requirements and minimum subcontracting percentages for small business enterprises in Request for Proposals (RFP) and franchise agreements for each service area, using methods defined in the City’s Business Inclusion Program.

d. Conditions that prevent haulers from dominating the marketplace, such as a cap on the number of franchise areas that can be held by one franchisee, with a possible cap of three franchise areas per franchisee.

e. A program to recognize and reward businesses that can serve as peer mentors to others, who embrace practices that minimize waste production, control purchasing, and maximize collection of recyclables to create as little residual waste as possible, and rewards for businesses exerting such efforts that include awards before the Mayor and Council, networking opportunities, case studies, and media outreach.

f. A proposed rate structure for waste hauling, including the methodology for arriving at that rate structure and that includes limitations on rates and protections for ratepayers.

g. Setting tipping fee caps on franchisees that own their own facilities.

h. A proposed franchise fee, which along with the existing AB939 fee, provides sufficient funds to implement and manage the franchise system and diversion programs, and to provide additional revenues to the City.

i. An exemption from the franchise system for the hauling of medical waste, hazardous waste, construction and demolition waste, radioactive waste, pharmaceutical waste, recyclables that have been sold or donated by the generator, green waste removed from a site as incidental to a landscaping business, and other specialty wastes as designated by the BOS.

j. Diversion planning and requirements for franchises that advance the City’s Zero-Waste goals, including diversion/reduction of food waste.

k. Strategic planning for waste infrastructure needs, including sorting, transfer, and processing facilities.

l. Providing for processing facility certification that builds on the existing Processor Certification Program and requires all mixed-waste processing facilities used by franchised waste haulers to be certified by the BOS.

m. Minimizing vehicle miles traveled and maximizing truck routing efficiencies.

n. Clean truck standards and ensuring compliance with those standards.

o. Incentives to exceed the City’s environmental goals in potential RFPs and franchise agreements.
p. Worker health and safety requirements and ensuring franchisee compliance with those requirements.

q. A robust set of customer service requirements and metrics to impose on franchisees, and a clear recourse for inadequate service and penalties to ensure compliance, including annual revocation hearings to allow the public and others to comment on franchisee performance.

r. Contingency plans to compensate for a franchisee failure, including requiring any franchisee to reimburse the City for costs the City incurs collecting refuse in the event of a failure.

s. Franchisee reporting requirements.

t. A review of the impacts an exclusive franchise system would have on the filming industry, and recommendations specific to that industry including:

i. Classifying temporary filming sites as similar to construction/demolition sites and therefore not subject to the private waste hauler franchise.

ii. Terms that address specific needs of film studios such as 24-hour service and short response timeframes.

u. A review of the impact an exclusive franchise system would have on hospitals, and recommendations that address the needs of hospitals including:

iii. Coordinating with hospitals on the proper segregation of mixed waste and exempted specialty waste.

iv. Terms that address specific needs of hospitals such as short response timeframes and other service request requirements.

v. Terms that address specific needs of existing and future Leadership in Energy and Environmental Design certified buildings.

w. Ongoing community input.

2. APPROVE the unfreezing from managed hiring of six positions in the BOS for the development of the franchise system.

3. REQUEST the City Attorney to:

c. Evaluate the ability to establish a solid waste hauler franchise fee for general City purposes;

d. Report on the applicability and extent of California Environmental Quality Act (CEQA) and environmental review requirements associated with moving forward with a franchise system;
e. Prepare a draft ordinance for an exclusive waste hauler franchise system for commercial and multi-family waste hauling within the City, in cooperation with and with assistance, as necessary, from the BOS, the City Administrative Officer (CAO) and Chief Legislative Analyst.

4. INSTRUCT the BOS to begin a full Environmental Impact Report (EIR) to satisfy CEQA requirements, and to include in that EIR reviews of the following alternatives: a review of the status quo, a review of a non-exclusive franchise system, a review of an exclusive franchise with multiple haulers per wasteshed, the proposed exclusive franchise, and a city direct performance of Multifamily and Commercial Waste Hauling.

Fiscal Impact Statement: The CAO reports that structural revenue to the General Fund from a Franchise Fee can be anticipated. The amount is contingent upon further study and policy decisions on an appropriate franchise structure. The Board of Public Works (Board) reports that the recommendations contained in the February 13, 2012 Board report do not have a General Fund impact for the development of the program. Staff requests are budgeted existing positions, fully funded by the Citywide Recycling Trust Fund (CRTF).

Community Impact Statement: Yes.

Against Proposal: Mar Vista Community Council

RECEIVED AND FILED

B. ENERGY AND ENVIRONMENT COMMITTEE MINORITY REPORT

Recommendation for Council action:

INSTRUCT City staff to concurrently follow through with the recommendations contained in the August 23, 2012 CAO report relative to the non-exclusive franchise system, and the recommendations outlined in the BOS reports dated February 12, 2012 and August 23, 2012 for an exclusive franchise system.

Fiscal Impact Statement: The CAO reports that structural revenue to the General Fund from a Franchise Fee can be anticipated. The amount is contingent upon further study and policy decisions on an appropriate franchise structure. The Board reports that the recommendations contained in the February 13, 2012 Board report do not have a General Fund impact for the development of the program. Staff requests are budgeted existing positions, fully funded by the CRTF.

Community Impact Statement: Yes.

Against Proposal: Mar Vista Community Council
Adopted, Ayes (8); Noes: ENGLANDER, GARCETTI, KREKORIAN, LABONGE, PARKS, PERRY (6); Absent: CARDENAS (1)
(Items 14c-r)

ADOPTED TO REFER TO ENERGY & ENVIRONMENT and AD HOC ON WASTE REDUCTION & RECYCLING - SEE FOLLOWING

MOTION “C” (PERRY - ENGLANDER)

Recommendation for Council action:

INSTRUCT the Bureau of Sanitation and City Administrative Officer, in consultation with various industries in the City, to ensure that the requirements of all different business types in the City are adequately addressed in any waste-hauling franchise system, and/or that certain businesses or industries that already meet specified environmental goals be exempted from requirements to use a franchised waste-hauler.

MOTION “D” (LABONGE - ENGLANDER)

Recommendation for Council action:

INSTRUCT the Bureau of Sanitation to report with recommendations for instituting a pilot program to have a “One Bin for All” refuse collection system where residents place all their refuse into one bin and the refuse is then sorted out at off-site resorting plants that would separate bottles from cans from paper from food from e-waste from yard clippings, etc.

MOTION “E” (LABONGE - GARCETTI)

Recommendation for Council action:

INSTRUCT the Bureau of Sanitation with the assistance of the City Attorney to meet with representatives of the motion picture and television industries and to propose recommendations which address and take into consideration in the creation of waste shed zones, the special waste removal requirements of the motion picture and television studios, and their exceptional diversion rates.

MOTION “F” (ENGLANDER - ZINE)

Recommendation for Council action:

STRIKE the words “staffing requirements” from the joint committee Recommendation No. 1, as the Director of the Bureau of Sanitation testified before the Joint Committee that he could absorb all work with existing staff.
MOTION “G” (ENGLANDER - ZINE)

Recommendation for Council action:

STRIKE Recommendation No. 2 of the Joint Committee Report, as the Bureau of Sanitation Director stated during the hearing that he could absorb the workload of the franchise with existing staff.

MOTION “H” (ENGLANDER - PERRY)

Recommendation for Council action:

AMEND Recommendation No. 1.f to include provisions for a Citizens Oversight Advisory Committee consisting of representatives of the Building Operators and Managers Association, the Apartment Association of Greater Los Angeles, the Los Angeles County Disposal Association, the Los Angeles Chamber of Commerce, the Valley Industry and Commerce Association, the Los Angeles County Federation of Labor, an Environmental Justice representative and Neighborhood Councils.

MOTION “I” (ENGLANDER - PARKS)

Recommendations for Council action:

STRIKE Recommendation No. 1.g of the Joint Committee report, as bidders for franchise areas will be subject to the open market for tipping fees. Tip fee caps would unfairly benefit haulers with their own facilities.

REPLACE this section with a condition that states that the Request for Proposal for franchise areas will clearly state that tip fee increases are not allowable pass throughs.

MOTION “J” (ENGLANDER - BUSCAINO)

Recommendation for Council action:

AMEND Recommendation Nos. 1.t.i-1.u.ii to include all business with specialty needs with respect to special materials, 24-hour service and short response timeframes.

MOTION “K” (ENGLANDER - BUSCAINO for CARDENAS)

Recommendation for Council action:

STRIKE Recommendation 3.b of the Joint Committee Report, as it conflicts with Recommendation No. 4 to do a full EIR reviewing five explicit alternatives.

MOTION “L” (ENGLANDER - PARKS for CARDENAS)

Recommendation for Council action:
STRIKE Recommendation No. 1.p from the Joint Committee Report, as Worker Health and Safety Requirements are the purview of OSHA and not the City of Los Angeles.

MOTION “M” (PERRY - PARKS)

Recommendation for Council action:

AMEND to exempt non-profit institutions from the requirements to use a franchised waste-hauler.

MOTION “N” (PARKS - ENGLANDER - PERRY)

Recommendations for Council action:

1. ADOPT Motion (Parks - Perry) requesting Neighborhood Councils to report to the Education and Neighborhoods Committee regarding outreach efforts and understanding of the proposed wasteshed/franchise system issue currently pending before the Ad Hoc on Waste Reduction and Recycling and Energy and Environment Committees under Council File (CF) 10-1797.

2. INSTRUCT the City Clerk to schedule the Community Impact Statement from the Mar Vista Neighborhood Council, and the comments submitted into the record (for CF 10-1797-S7) from the Los Angeles Coalition of Neighborhood Councils, relative to this issue, for consideration at a future meeting of the Education and Neighborhoods Committee.

3. INCORPORATE into the record the attached City Administrative Officer (CAO) just released response to the questions submitted into the record (for CF 10-1797-S7) by the Chair of the Education and Neighborhoods Committee.

4. APPROVE the recommendations of the CAO in its report dated August 23, 2012 regarding establishing a non-exclusive franchise system for refuse collection from multi-family and commercial properties within the City of Los Angeles (as contained in CF 10-1797 and currently under the purview of the Ad Hoc on Waste Reduction and Recycling and Energy and Environment Committees):

   a. Approve a citywide policy for implementation by July 1, 2013 of a Non-Exclusive Waste Hauler Franchise for the collection of solid waste from commercial, industrial, institutional and multifamily (privately serviced) properties in the City of Los Angeles.

   b. Authorize the CAO through the Office of Economic Analysis to issue a task order(s) for independent review from a list of qualified consultants for an analysis of economic impacts of franchised solid waste hauling in the City of Los Angeles for multifamily and commercial solid waste (refer to Exhibit G of the CAO report dated August 23, 2012 as contained in CF 10-1797 for specific scope items).

   c. Instruct the Bureau of Sanitation (Sanitation) to develop a strategic plan within 90 days for commercial waste infrastructure such as sorting, transfer and alternative technology processing facilities.
d. Instruct the CAO and Chief Legislative Analyst, with the assistance of Sanitation, to report with a final implementation plan for Council approval based on findings of the economic analysis, inclusive of recommendations for a fee structure and revenue potential.

5. DELETE the language in Section 1d of the Energy and Environment and Ad Hoc Waste Committee Report and replace it with the following language:

Conditions of ensuring competition between haulers and preventing a monopoly by one hauler, with the intention of ensuring that no less than three haulers will provide service under the franchise system city-wide, with the goal of ensuring excellent customer services, environmental protections and well-paying jobs, 'with benefits for workers in the waste hauling industry.

MOTION “O” (LABONGE - ENGLANDER)

Recommendation for Council action:

EXEMPT completely all hospitals from any franchise arrangement, given this sector’s needs and role as a public service provider.

MOTION “P” (LABONGE - ENGLANDER)

Recommendation for Council action:

AMEND as follows:

a. Establish a cap on increased charges for waste hauling services equal to the annual allowable increase on rents for Rent Stabilization units.

b. Establish a review process for granting exemptions for unique buildings which may not be able to use the awarded haulers’ services in one way or another.

MOTION “Q” (KREKORIAN - HUIZAR)

Recommendation for Council action:

AMEND to delete the last phrase in Recommendation No. 1d. of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees report, as follows:

1. d. Conditions that prevent haulers from dominating the marketplace, such as a cap on the number of franchise areas that can be held by one franchisee, with a possible cap of three franchise areas per franchisee.

MOTION “R” (PARKS - PERRY)

Recommendation for Council action:
AMEND as follows:

a. Have a cap on increased charges for waste hauling services equal to the annual allowable increase on rents for RSO owners.

b. Make certain there is an exemption process for “unique” buildings which may not be able to use the awarded hauler’s services in one way or another.

c. Make certain that owners and managers are not liable for trash diversion regulations set on buildings for recycling purposes and the fines are fees that may come with them.

Items for Which Public Hearings Have Not Been Held - Items 15-24
(10 Votes Required for Consideration)

Adopted, Ayes (13); Absent: CARDENAS, REYES (2)
(Item Nos. 15,16a-d)

ITEM NO. (15) - ADOPTED

10-1627

COMMUNICATION FROM CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code (LAAC) pertaining to health insurance for non-represented employees to add a new subsection (d) to provide for an Anthem Blue Cross Full-Network HMO option during the 2013 plan year.

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

PRESENT and ADOPT the accompanying ORDINANCE amending LAAC Section 4.307 pertaining to health insurance for non-represented employees to add a new subsection (d) to provide for an Anthem Blue Cross Full-Network HMO option during the 2013 plan year.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis.

Community Impact Statement: None submitted.

(Scheduled pursuant to Council action of October 24, 2012)

ITEM NO. (16) - ADOPTED

12-0005-S580 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 November 7, 2012:

12-0005-S580
CD 8
a. Property at 3908 South Denker Avenue (Case No. 295377).
   Assessor I.D. No. 5036-022-004

12-0005-S581
CD 8
b. Property at 4114 South La Salle Avenue (Case No. 334236).
   Assessor I.D. No. 5021-005-031

12-0005-S582
CD 9
c. Property at 1050 West 58th Place (Case No. 333853).
   Assessor I.D. No. 6003-005-003

12-0005-S583
CD 10
d. Property at 819 South Kingsley Drive (Case No. 361294).
   Assessor I.D. No. 5093-022-016

ITEM NO. (17) - CONTINUED TO NOVEMBER 21, 2012

Adopted to Continue, Unanimous Vote (13); Absent: CARDENAS, REYES (2)

12-1757

COMMUNICATION FROM THE CITY CLERK relative to options to fill the vacancy in Council District Six.

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

1. REQUEST the City Attorney to prepare and present an Election Ordinance that calls for and provides for a Special Election to fill the vacancy in the Office of Member of the Council, Sixth District, utilizing the dates listed in the City Clerk report attached to the Council file, in order to allow for Council adoption of the Ordinance by December 14, 2012.

2. APPROPRIATE $400,000 from funding source to be identified, to the City Clerk Fund No. 100/40 as follows:
   - $221,000 to Account 1070 (Salaries As-Needed)
   - $18,000 to Account 1090 (Salaries Overtime)
   - $161,000 to Account 4170 (Election Expense)
3. AUTHORIZE the City Clerk, in conjunction with the City Administrative Officer and the Controller, to make any technical corrections or clarifications to the above fund transfer instruction in order to effectuate the intent of this action.

4. AUTHORIZE the City Clerk to negotiate and execute any agreements, as appropriate, as may be needed relative to the Council District Six Special Election, subject to the approval of the City Attorney as to form and legality.

5. EXEMPT from the Managed Hiring Process in 2012-13 and 2013-14 all election and systems staff required to administer the Special Election.

Fiscal Impact Statement: The City Clerk reports that the estimated cost of conducting a single-district Special Election in Council District Six would be approximately $400,000 if the Clerk runs the Special Council District Six primary on the same day as the City's general municipal election on May 21, 2013, with a standalone runoff, if required, on July 23, 2013.

Community Impact Statement: None submitted.

(Rules, Elections and Intergovernmental Relations Committee waived consideration of the above matter)

Adopted, Ayes (13); Absent: CARDENAS, REYES (2)
(Item Nos. 18-21)

ITEM NO. (18) - ADOPTED

12-0011-S28

MOTION (HUIZAR - GARCETTI) relative to funding to pay for repair of damage done to community holiday lights in Council District 14.

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

1. TRANSFER/APPROPRIATE/ALLOCATE $9,999 in the Council District 14 portion of the Street Furniture Revenue Fund No. 43D/50 to the Street Services Fund No. 100/86, Account No. 3040 (Contractual Services) to pay for repair of damage done to community holiday lights in Council District 14 - services performed by TruGreen LandCare pursuant to a prior commitment of funding provided by Council District 14.

2. AUTHORIZE the Bureau of Street Services to make any technical corrections or clarification as necessary to the above instructions in order to effectuate the intent of this Motion.
ITEM NO. (19) - ADOPTED

MOTION (HUIZAR - BUSCAINO) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the grand theft of three commemorative plaques at the Historic Cinco Puntos Mexican American All Wars Memorial Monument on November 5, 2012.

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

1. PROVIDE an offer of reward in the amount of $25,000 for information leading to the identification, apprehension, and conviction of the person(s) responsible for the grand theft of three commemorative plaques at the Historic Cinco Puntos Mexican American All Wars Memorial Monument on November 5, 2012.

2. FIND that the subject reward complies with the provisions of Chapter 12, Article 1, Division 19, of the Los Angeles Administrative Code.

3. DIRECT the City Clerk to publish the required notices and/or advertisements to effectuate this reward.

ITEM NO. (20) - ADOPTED

MOTION (KREKORIAN - PARKS) relative to installing street banners identifying the Studio City Neighborhood Council.

Recommendations for Council action:

1. APPROVE the street banner program identifying the Studio City Neighborhood Council, as a City of Los Angeles Non-Event street banner program for the period of February 27, 2013 to February 27, 2015.

2. APPROVE the content of the street banners for the above specified event.

3. APPROVE the continuation of the street banner installation program, as described above, should unforeseen circumstances change the actual period of the street banner installation.

ITEM NO. (21) - ADOPTED

MOTION (PARKS - KREKORIAN) relative to lease approval for office space at 5349 Crenshaw Boulevard, Suite 107, Los Angeles, CA 90043.

Recommendation for Council action:
APPROVE retroactively, the executed Neighborhood Council Lease Agreement between the City of Los Angeles, through the Department of Neighborhood Empowerment (on behalf of the Park Mesa Heights Community Council) and Wesley Smith Senior under the terms and conditions in the attached Neighborhood Council Lease Agreement dated November 5, 2012.

ITEM NO. (22) - CONTINUED TO DECEMBER 5, 2012

Adopted to Continue, Unanimous Vote (13); Absent: CARDENAS, REYES (2)

13-1100-S5
CONTINUED CONSIDERATION OF MOTION, AS AMENDED, (KREKORIAN - WESSON - et al) relative to a proposed ballot measure to permit the Chief Legislative Analyst (CLA) to employ attorneys.

Recommendation for Council action:
REQUEST the City Attorney, with the assistance of the CLA, to prepare and present the documents necessary to place before the voters at the May 2013 City Election a ballot measure to permit the CLA, upon a finding of need by the City Council, to employ attorneys to provide legal services to the CLA.

(Motion [Koretz - Krekorian] adopted on October 31, 2012)

Adopted, Ayes (13); Absent: CARDENAS, REYES (2)
(Item Nos. 23-24)

ITEM NO. (23) - ADOPTED

12-1761
RESOLUTION (PARKS - PERRY - KREKORIAN) relative to declaring November 14, 2012 as Dwight Howard Day in the City of Los Angeles.

Recommendation for Council action:
RESOLVE to DECLARE November 14, 2012 as Dwight Howard Day in the City of Los Angeles.

ITEM NO. (24) - ADOPTED

12-1770
RESOLUTION (HUIZAR - GARCETTI) relative to recognizing November 14, 2012 as Chronic Obstructive Pulmonary Disease (COPD) AWARENESS DAY and commending BREATHE LA for its efforts in confronting critical lung health issues such as COPD in our community.

Recommendation for Council action:
RESOLVE to hereby recognize November 14, 2012 as COPD AWARENESS DAY and commends BREATHE LA for its efforts in confronting critical lung health issues such as COPD in our community.

Items Called Special

Public Testimony on Non-agenda Items Within Jurisdiction of Council

Motions for Posting and Referral

Closed Session - Item 25

ITEM NO. (25) - DISCUSSED MATTER IN CLOSED SESSION AND INSTRUCTED LEGAL COUNSEL WITH RESPECT TO SUBJECT LITIGATION

10-1365

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Estuardo Ardon v. City of Los Angeles, Los Angeles Superior Court Case No. BC 363959. (This matter involves litigation concerning the Telephone Users Tax.)

(Budget and Finance Committee considered the above matter in Closed Session on October 15, 2012)

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

12-0011-S29

MOTION (LABONGE - GARCETTI) relative to funding to support tree trimming and related activities at the Hollywood Civic Center, located at Fountain and Wilcox in Council District Four.

13-1100

MOTION (WESSON - HUIZAR - LABONGE) relative to the placement of three ballot measures on the City of Los Angeles Primary Nominating Election on March 5, 2013.

At the conclusion of this day’s Council Session
ADJOINING MOTIONS WERE ADOPTED in tribute to the memory of:

12-0003-S3 - Enrique Gonzalez
Wilbur K. Woo
Rose Ann Henry

Garcetti - All Councilmembers
Perry - LaBonge - All Councilmembers
Zine - All Councilmembers

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Alarcón, Buscaino, Englander, Garcetti, Huizar, Koretz, Krekorian, LaBonge, Parks, Perry, Zine and President Wesson (12); Absent: Cárdenas, Reyes, Rosendahl (3)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk  PRESIDENT OF THE CITY COUNCIL