

Los Angeles City Council, **Journal/Council Proceedings**

Friday, **May 31, 2013**

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: Alarcón, Buscaino, Huizar, Koretz, Krekorian, Perry, Reyes, Rosendahl, Zine and President Wesson (10); Absent: Englander, Garcetti, LaBonge, Parks (4); Vacant: Council District Six

Mayor's Veto Message - Item 11

ITEM NO. (11) - NO ACTION TAKEN

[13-0600](#)

CONSIDERATION OF THE MAYOR'S VETO MESSAGE, upon receipt, pursuant to Charter Section 315. City Council has five days, excluding Saturdays, Sundays, and holidays, upon receipt of the Mayor's veto to overcome such action of the Mayor relative to any item or items of the budget.

(The Mayor has until June 5, 2013 to submit his Veto Message to the City Council, pursuant to Charter Section 314.)

Items for Which Public Hearings Have Not Been Held - Items 12-16

(10 Votes Required for Consideration)

ITEM NO. (12) - ADOPTED - ORDINANCE OVER TO JUNE 7, 2013

Adopted, Ordinance Over One Week, Ayes (10); Absent: ENGLANDER, GARCETTI, LABONGE, PARKS (4)

[11-0238](#)

CD 5

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the renewal of the Westwood Business Improvement District (BID).

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

1. FIND that the petitions submitted on behalf of the proponents of the proposed Westwood BID are signed by property owners who will pay more than 50 percent of the assessments proposed

to be levied.

2. FIND that 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 Management District Plan.
3. FIND in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Engineer's Report attached to the Council file, that:
 - a. The assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - b. The Engineer has separated the general from special benefits. The Engineer's Report identified general benefits in the amount of 4.13 percent to be separated from the special benefits conferred on parcels within the proposed District. The yearly general benefits cost must be paid from funds other than the assessments collected for the Westwood BID. The general benefit cost for first year of operation is \$53,469.
 - c. No assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
4. FIND that the assessments for the proposed District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 7 of Article XIIC §1(e).
5. FIND that 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.
6. FIND that the proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles.
7. APPROVE the Westwood Village Improvement Association to serve as the Owners' Association to administer the Westwood BID.
8. ADOPT the Preliminary Report of the City Clerk.
9. ADOPT the Management District Plan, attached to the Council file.
10. ADOPT the Engineer's Report, attached to the Council file.
11. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to establish the Westwood BID.
12. AUTHORIZE the City Clerk, upon establishment of the District, to prepare, execute and administer a contract between the City of Los Angeles and the Westwood Village Improvement Association, a nonprofit corporation, for the administration of the District's programs upon adoption of the ordinance establishing the District.
13. 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).

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

Fiscal Impact Statement: The City Clerk reports that the assessments levied on the one City-owned property within the District to be paid from the General Fund total \$18,347.97 for the first year of the District. Funding is available in the BID Trust Fund 659 to pay the General Fund's share of assessments for the first operating year.

Proposition 218 requires the separation of general benefits from the special benefits. The general benefit portion for the Westwood BID is \$53,469 for the first year. Surplus funds may be available in the BID Trust Fund 659 for the first year of operation. However, funds other than assessment revenue must be budgeted annually for the general benefit expense for the remaining years of the BID's three-year term

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (13) - ADOPTED - ORDINANCE OVER TO JUNE 7, 2013

Adopted, Ordinance Over One Week, Ayes (10); Absent: ENGLANDER, GARCETTI, LABONGE, PARKS (4)

[13-0641](#)
CD 14

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the renewal of the Fashion District Business Improvement District (BID).

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

1. FIND that the petitions submitted on behalf of the proponents of the proposed Fashion District BID are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
2. FIND that 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 Management District Plan.
3. FIND in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Engineer's Report attached to the Council file, that:
 - a. The assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - b. The Engineer has separated the general from special benefits. The Engineer's Report identified general benefits in the amount of 2.42 percent to be separated from the special benefits conferred on parcels within the proposed District. The yearly general benefits cost must be paid from funds other than the assessments collected for the Fashion District BID.

The general benefit cost for first year of operation is \$88,991.

- c. No assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
4. FIND that the assessments for the proposed District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 7 of Article XIII C §1(e).
5. FIND that 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.
6. FIND that the proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles.
7. APPROVE the Downtown Los Angeles Property Owners' Association to serve as the Owners' Association to administer the Fashion District BID.
8. ADOPT the Preliminary Report of the City Clerk.
9. ADOPT the Management District Plan, attached to the Council file.
10. ADOPT the Engineer's Report, attached to the Council file.
11. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to establish the Fashion District BID.
12. AUTHORIZE the City Clerk, upon establishment of the District, to prepare, execute and administer a contract between the City of Los Angeles and the Downtown Los Angeles Property Owners' Association, a nonprofit corporation, for the administration of the District's programs upon adoption of the ordinance establishing the District.
13. 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).
14. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance establishing the Fashion District BID for City Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that the assessments levied on the one City-owned property within the District to be paid from the General Fund total \$1,736.20 for the first year of the District. Funding is available in the BID Trust Fund 659 to pay the General Fund's share of assessments for the first operating year. Assessments levied on the Los Angeles Department of Water and Power property within the District will not be paid from the General Fund.

Proposition 218 requires the separation of general benefits from the special benefits. The general benefit portion for the Historic Downtown Los Angeles BID is \$88,991 for the first year. Surplus funds may be available in the BID Trust Fund 659 for the first year of operation. However, funds

other than assessment revenue must be budgeted annually for the general benefit expense for the remaining years of the BID's five-year term.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (14) - ADOPTED - ORDINANCE OVER TO JUNE 7, 2013

Adopted, Ordinance Over One Week, Ayes (10); Absent: ENGLANDER, GARCETTI, LABONGE, PARKS (4)

[13-0655](#)

CD 14

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the renewal of the Historic Downtown Los Angeles Business Improvement District (BID).

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

1. FIND that the petitions submitted on behalf of the proponents of the proposed Historic Downtown Los Angeles BID are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
2. FIND that 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 Management District Plan.
3. FIND in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the Engineer's Report attached to the Council file, that:
 - a. The assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - b. The Engineer has separated the general from special benefits. The Engineer's Report identified general benefits in the amount of .83 percent to be separated from the special benefits conferred on parcels within the proposed District. The yearly general benefits cost must be paid from funds other than the assessments collected for the Historic Downtown Los Angeles BID. The general benefit cost for first year of operation is \$13,349.76.
 - c. No assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
4. FIND that the assessments for the proposed District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 7 of Article XIIC §1(e).
5. FIND that 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.

6. FIND that the proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles.
7. APPROVE the Downtown Los Angeles BID Property Owners' Association to serve as the Owners' Association to administer the Historic Downtown Los Angeles BID.
8. ADOPT the Preliminary Report of the City Clerk.
9. ADOPT the Management District Plan, attached to the Council file.
10. ADOPT the Engineer's Report, attached to the Council file.
11. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION to establish the Historic Downtown Los Angeles BID.
12. AUTHORIZE the City Clerk, upon establishment of the District, to prepare, execute and administer a contract between the City of Los Angeles and the Downtown Los Angeles BID Property Owners' Association, a nonprofit corporation, for the administration of the District's programs upon adoption of the ordinance establishing the District.
13. 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).
14. REQUEST the City Attorney, with the assistance of the City Clerk, to prepare an enabling Ordinance establishing the Historic Downtown Los Angeles BID for City Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that the assessments levied on the seven City-owned properties within the District to be paid from the General Fund total \$14,769.56 for the first year of the District. Funding is available in the BID Trust Fund 659 to pay the General Fund's share of assessments for the first operating year. Assessments levied on the Los Angeles Department of Water and Power property within the District will not be paid from the General Fund.

Proposition 218 requires the separation of general benefits from the special benefits. The general benefit portion for the Fashion District BID is \$13,349.76 for the first year. Surplus funds may be available in the BID Trust Fund 659 for the first year of operation. However, funds other than assessment revenue must be budgeted annually for the general benefit expense for the remaining years of the BID's five-year term.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (15) - SUBSTITUTE MOTION ADOPTED IN LIEU OF ORIGINAL - FORTHWITH - SEE FOLLOWING

Substitute Motion adopted, Ayes (10); Absent: ENGLANDER, GARCETTI, LABONGE, PARKS (4)

[13-0642](#)

COMMUNICATION FROM THE MAYOR relative to Transportation Investment Generating Economic Recovery (TIGER) grant applications.

Recommendation for Council action:

APPROVE and AUTHORIZE the submission of the proposed TIGER grant applications prior to June 3, 2013, from the Bureau of Engineering and the Housing Authority of the City of Los Angeles for the expansion and widening of Century Boulevard through Jordan Downs Public Housing Project, and from the Los Angeles Department of Transportation for the purchase of two currently leased Compressed Natural Gas refueling stations.

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

Community Impact Statement: None submitted.

(Transportation Committee waived consideration of the above matter)

ADOPTED

SUBSTITUTE MOTION (ROSENDAHL - BUSCAINO)

Recommendation for Council action:

APPROVE and AUTHORIZE the submission of the proposed Transportation Investment Generating Economic Recovery grant applications prior to June 3, 2013 from the Los Angeles Department of Transportation for the purchase of two currently leased transit bus maintenance facilities.

ITEM NO. (16) - ADOPTED

Adopted, Ayes (10); Absent: ENGLANDER, GARCETTI, LABONGE, PARKS (4)

[13-0005-S347](#)

CD 9

RESOLUTION relative to removing property from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION removing the following property from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) has 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 May 23, 2013:

Property at 1146 East 35th Street (Case No. 409109).
Assessor I.D. No. 5114-030-016

Whereupon the Special Council meeting did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL