Los Angeles City Council, Journal/Council Proceedings  
Friday, December 1, 2006  
Van Nuys City Hall, 14410 Sylvan Street, Van Nuys, CA 91401 - 10 am

** ALL ITEMS FORTHWITH **

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Cardenas, Greuel, Hahn, Huizar, LaBonge, Parks, Reyes, Smith, Wesson and Zine (10); Absent: Padilla, Perry, Rosendahl, Weiss and President Garcetti (5).


COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 22

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

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

Items Noticed for Public Hearing - Items 1-6

Roll Call #1 - Motion (Cardenas - Zine) Adopted to Continue, Unanimous Vote (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5) (Item Nos. 1-5)

ITEM NO. (1) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON DECEMBER 20, 2006

06-0986-S1 CD 5
HEARING PROTESTS against the proposed improvement and maintenance of the FULTON AVENUE AND SARAH STREET NO. 1 LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Fulton Avenue and Sarah Street No. 1 Lighting District, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Proposition 218.
ITEM NO. (2) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON DECEMBER 20, 2006

06-1710
CD 6
HEARING PROTESTS against the proposed improvement and maintenance of the LAUREL CANYON BOULEVARD AND JEROME STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEARING PROTESTS against the proposed improvement and maintenance of Laurel Canyon Boulevard and Jerome 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 29, 2006 - Continue hearing and present Ordinance on DECEMBER 20, 2006 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON DECEMBER 20, 2006

06-1711
CD 2
HEARING PROTESTS against the proposed improvement and maintenance of the GREELEY STREET AND MARCUS AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEARING PROTESTS against the proposed improvement and maintenance of Greeley Street and Marcus 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 29, 2006 - Continue hearing and present Ordinance on DECEMBER 20, 2006 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (4) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON DECEMBER 20, 2006

06-1738
CD 3
HEARING PROTESTS against the proposed improvement and maintenance of the CORBIN AND KITTRIDGE AVENUES LIGHTING DISTRICT.

Recommendation for Council action:
HEAR PROTESTS against the proposed improvement and maintenance of Corbin and Kittridge 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 29, 2006 - Continue hearing and present Ordinance on DECEMBER 20, 2006 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (5) - PUBLIC HEARING HELD - HEARING CONTINUED AND ORDINANCE TO BE PRESENTED ON DECEMBER 20, 2006

06-1766 CD 7

HEARING PROTESTS against the proposed improvement and maintenance of the FENTON AVENUE AND HOYT STREET LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Fenton Avenue and Hoyt 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 29, 2006 - Continue hearing and present Ordinance on DECEMBER 20, 2006 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (6) - CONTINUED TO DECEMBER 12, 2006

Roll Call #2 - Motion (LaBonge - Parks) Adopted to Continue, Unanimous Vote (10);
Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

06-0283

TRANSPORTATION COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Section 71.06.1 Chapter VII of the Los Angeles Municipal Code (LAMC) adjusting fees charged by the City for vehicle-for-hire driver and vehicle permits.

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

PRESENT and ADOPT the accompanying ORDINANCE to amend LAMC Section 71.06.1 adjusting the fees charged by the Los Angeles Department of Transportation for vehicle-for-hire driver and vehicle permitting functions.

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

(Budget and Finance Committee waived consideration of the above matter)
Items for Which Public Hearings Have Been Held - Items 7-15

ITEM NO. (7) - CONTINUED TO DECEMBER 12, 2006

Roll Call #3 - Motion (Cardenas - Huizar) Adopted to Continue, Unanimous Vote (10); Absent: Garcetti, Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

06-2425
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to clarifying the Department of General Service’s (GSD) authority regarding Alternative Fuels Infrastructure Consolidation Plan regarding construction contracts.

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

PRESENT and ADOPT the accompanying ORDINANCE, relative to the Alternative Fuels Infrastructure Consolidation Plan, authorizing the GSD to let contracts pursuant to the competitive bid and/or proposal process permitting negotiations relating to the acquisition, design, construction, engineering and installation of alternative fuels fueling systems and all ancillary building installations and modifications related to the safe use and mitigation of hazards inherent with alternative fuels and establishing the criteria for the management team of the Fuel Services and Environmental Compliance Division of the GSD to let such contracts pursuant to such method. Alternative fuels shall include; but not be limited to, liquefied natural gas, compressed natural gas, propane, hydrogen, and electricity.

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

ITEM NO. (8) - ADOPTED AS AMENDED - ORDINANCE OVER TO DECEMBER 12, 2006 - SEE FOLLOWING

Roll Call #6 - Motion (Reyes - Parks) To Adopted as Amended, Ordinance Over One Week, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

06-2713 CD 9
ENVIRONMENTAL IMPACT REPORT, ADDENDUM, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCES FIRST CONSIDERATION relative to proposed amendments to the Los Angeles Sports and Entertainment Specific Plan, zone change and Amendment to the Amended and Restated Development Agreement for the development of a mixed-use project over multiple parcels located within the Downtown Area in Council District Nine.

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

1. REVIEW and CONSIDER the Environmental Impact Report (EIR) Number 2000-3577 EIR, State Clearinghouse No, 2000091046, certified by City Council on September 4, 2001, and the Addendum prepared to the EIR for the revised project.
2. ADOPT the October 26, 2006 findings of the City Planning Commission as the Findings of the Council, including the related environmental findings: (a) that the Addendum prepared to Environmental Impact Report (EIR) Number 2000-3577 State Clearinghouse No. 2000091046 was prepared in compliance with the California Environmental Quality Act (CEQA) and is adequate environmental clearance for the subject request related to the project; (b) that the revised project will not create any new or result in any substantial increase in the severity of previously identified potentially significant impacts, and therefore no additional environmental clearance is required under State CEQA Guidelines 15162; (c) the previously adopted mitigation monitoring program is adequate for the revised project and that the Addendum was prepared in compliance with CEQA.

3. ADOPT the Addendum to the Certified EIR.

4. PRESENT and ADOPT the accompanying ORDINANCE amending the Los Angeles Sports and Entertainment District Specific Plan (Ordinance 174224) to: add the Olympic North properties to the Specific Plan; increase the maximum floor area permitted within the Specific Plan to 5,147,000 square feet; clarify that the Convention Center Hotel may include residential units and that ballroom/meeting facilities may be located on the Olympic West properties; clarify the boundary of the Convention Center Expansion Parcel; modify signage regulations; modify on-site and off-site alcohol consumption regulations and Alcohol Use Approvals, modify Map 8 of the Specific Plan to realign Sign District A and C as indicated for the Figueroa Central subarea, and incorporate other minor clarifications and modifications.

5. PRESENT and ADOPT the accompanying ORDINANCE effecting a zone change from C2-4D to “LASED” for the Olympic North properties to add the properties to the Specific Plan Area.

6. PRESENT and ADOPT the accompanying ORDINANCE relative to the Amendment to the Amended and Restated Development Agreement between the City of Los Angeles, L.A. Arena Land Company, LLC, Flower Holdings, LLC, FIDM Residential, Inc. and Figueroa South Land, LLC, to bring the Development Agreement into consistency with this action, and incorporate amendments to revise Section 3.1.3.6 of the Development Agreement relative to Permits for Sales of Alcoholic Beverages, and Attachment 5 of the Development Agreement to reflect the modifications to Sections 12 and 13, and Tables 1 and 2 of the Specific Plan regarding alcohol use and conditions, as well as other minor clarifications and modifications. The Development Agreement includes the area generally bounded by Olympic Boulevard to the north, Cherry Street to the west, 11th Street to the south, and Figueroa Street to the east; the area generally bounded by 11th Street to the north, Figueroa Street to the west, Pico Boulevard to the south, and Flower Street to the east; and the area generally immediately north of Olympic Boulevard between Georgia Street and Francis Street, as well as between Figueroa Street and Flower Street. (Time limit on Development Agreement may be extended for a period not to exceed 21 days.)

Applicant: L.A. Arena Land Company, Inc. and Flower Holdings, LLC CPC 2006-7109-DA-SP-ZC

7. REQUEST that the Mayor execute the Development Agreement on behalf of the City.

8. REQUEST the City Attorney to transmit one copy containing original signatures of the Development Agreement to the City Clerk, upon completion of the execution of the document.
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.

Fiscal Impact Statement: The Planning Department reports that there is no General Fund impact as costs are recovered through full cost recovery fees.

TIME LIMIT FILE - DECEMBER 18, 2006
(LAST DAY FOR COUNCIL ACTION - DECEMBER 15, 2006)

ADOPTED

AMENDING MOTION (REYES - SMITH)

Recommendations for Council action:

1. AMEND the proposed Specific Plan Amendment to the Los Angeles Sports and Entertainment District Specific Plan to include the following:

   Amend Specific Plan Section 12C to read:
   Public Hearings by a Zoning Administrator. The Zoning Administrator shall conduct public hearings on at least six of the twenty-four Alcohol Use Approval applications, with particular attention to nightclubs and Sportsbars. The Zoning Administrator shall conduct public hearings on any of the twenty-four Alcohol Use Approvals if problems arise, in consultation with LAPD.

   Amend Table 1, Condition No. 2(h) to read:
   The sale of distilled spirits by the bottle shall be made only to parties of two or more patrons. No more than three 750 ml bottles of distilled spirits shall be at a table at any given time.
Amend Table 1, Condition No. 6 to read:
A sufficient number of security personnel, as determined by the Zoning Administrator (with a minimum of one security officer for each Alcohol Use Approval), under the control of the respective property owner(s) or operator(s) of the establishment, shall be provided. In determining the sufficient number of security personnel, the Zoning Administrator shall take into account such factors as square footage, use, capacity, location, operating hours and permitted occupancy of the establishment, site layout, and other design features that are provided. The respective property owner(s) or operator(s) of the establishment shall file a security plan detailing implementation criteria prior to the issuance of any alcohol use approval. Each security officer shall complete a training program, developed in consultation with the Los Angeles Police Department (LAPD). These security personnel shall monitor and patrol areas where establishments selling alcohol for on-site consumption are located. Security personnel shall be on duty during the hours of operation of the establishments and shall also be on duty thirty minutes prior to opening of the establishment and thirty minutes after closing of the establishment. The security personnel shall also patrol parking areas serving these establishments to prevent any unusual disturbances within the Project site and to assist and report, as necessary, to proper authorities any loitering, trespassing, or other criminal activities in the general vicinity of the Project site. The LAPD shall be notified of special events as far in advance as feasible.

Amend Table 1, Condition No. 11 to read:
Establishments may serve alcohol 10:00 a.m. - 2:00 a.m., 7 days per week. Mini-bars located within hotel guest rooms shall not be limited in the hours of alcohol service.

Amend Table 1, Condition No. 19(c) to read:
For six establishments, gross annual sales of alcoholic beverages shall not exceed 50 percent of the total gross annual restaurant sales. For each of the remaining establishments, gross annual sales of alcoholic beverages shall not exceed 40 percent of the total gross annual restaurant sales.

2. Amend Attachment 5 of the Development Agreement to reflect the above modifications to Table 1 of the Specific Plan regarding alcohol use conditions.

Roll Call #4 - Motion (Zine - Reyes) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)
(Item Nos. 9-10)

ITEM NO. (9) - ADOPTED

06-1052

BUDGET AND FINANCE COMMITTEE REPORT relative to the LATAX Application Support contract status.

Recommendations for Council action:
1. NOTE and FILE the joint LATAX Executive Steering Committee/Information Technology Agency report relative to the status of the LATAX Application Support contract inasmuch as the report is submitted for information only and no Council action is necessary.

2. INSTRUCT the City Administrative Officer (CAO) and the Information Technology Agency to develop strategies for long-term LATAX system maintenance and report back to the Budget and Finance Committee.

Fiscal Impact Statement: None submitted by the LATAX Executive Steering Committee/Information Technology Agency. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (10) - ADOPTED

03-0808-S1
ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the Bradley Landfill Community Trust Fund.

Recommendation for Council action:

NOTE and FILE the September 1, 2006 annual report from the City Clerk relative to the Bradley Landfill Community Trust Fund, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (11) - ADOPTED

Roll Call #6 - Motion (Reyes - Parks) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

06-2859
06-2860
HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and RESOLUTION relative to the First Amended and Restated Hotel Development Agreement for the development of a Convention Center Hotel and the Fifth Implementation Agreement to the Disposition and Development Agreement for the development of the Los Angeles Sports and Entertainment District.

Recommendations for Council action:

1. ADOPT the Addendum to the Master Environmental Impact Report dated October 26, 2006 [Attachment A of the Community Redevelopment Agency (CRA) report dated November 16, 2006].
2. AUTHORIZE the Chief Executive Officer, CRA, or designee, to execute a Fifth Implementation Agreement to the Disposition and Development Agreement by and among the CRA; the City; LA Arena Land Company; Flower Holding, LLC; and, the LA Arena Company, LLC, approving the proposed implementation of the Project, subject to the review of the City Attorney as to form and legality.

3. ADOPT the Joint Finding of Benefit RESOLUTION (Attachment B of the CRA report dated November 16, 2006) that the expenditure of $5 million of Bunker Hill Tax Increment to assist the construction of public improvements related to the development of the Convention Center Hotel is of benefit to the Bunker Hill Redevelopment Project Area.

4. AUTHORIZE the execution of the First Amended and Restated Hotel Development Agreement with the LA Arena Land Company, Inc. and the City of Los Angeles that includes a grant commitment for a public improvement to facilitate development of the Convention Center Hotel Project in an amount not to exceed $5 million, subject to the review of the City Attorney as to form and legality.

5. AUTHORIZE the Mayor to execute the Fifth Implementation Agreement to the Disposition and Development Agreement and the First Amended and Restated Hotel Development Agreement with the LA Arena Land Company, Inc.

Fiscal Impact Statement: The Chief Legislative Analyst reports that there is no General Fund impact. With respect to the Fifth Implementation Agreement to the Disposition and Development Agreement for the development of the Los Angeles Sports and Entertainment District, no additional funds are required. With respect to the First Amended and Restated Hotel Development Agreement, the source of funds is Bunker Hill Tax Increment ($5.0 million).

Roll Call #4 - Motion (Zine - Reyes) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)
(Item Nos. 12-15)

ITEM NO. (12) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION - SEE FOLLOWING

06-1559

COMMUNICATION FROM THE CITY ADMINISTRATIVE OFFICER and COMMUNITY REDEVELOPMENT AGENCY (CRA) joint report relative to successor Memoranda of Understanding for the CRA Bargaining Units.

(Housing, Community and Economic Development and Personnel Committees waived consideration of the above matter)

(For background reports and materials related to this matter, please contact the Legislative Assistant for the Personnel Committee at 213-978-1078.)
ADOPTED

MOTION (ZINE - REYES)

Recommendations for Council action:

1. APPROVE the negotiated Memorandum of Understanding (MOU) for the wages, benefits, terms and conditions of employment as set forth herein for the Basic Professional and Supervisory (BPS) Bargaining Units which are represented by the American Federation of State, County, and Municipal Employees (AFSCME) Locals 164, 585, and 2204 for the period July 1, 2004 through June 30, 2007.

2. APPROVE the negotiated MOU for the wages, benefits, terms and conditions of employment as set forth herein for the Management Bargaining Unit (CRAMA) represented by AFSCME Local 1890 for the period July 1, 2004 through June 30, 2007.

3. APPROVE the RESOLUTION adopted by the CRA Board of Commissioners on October 19, 2006, attached to the Council file, providing for compensation and benefit adjustments for unrepresented employees which include the same changes as provided to the BPS bargaining units for the period July 1, 2004 through June 30, 2007.

Fiscal Impact Statement: The CAO and the CRA report that the annual ongoing cost of the MOU’s is approximately $1.5 million upon full implementation. However, there is no fiscal impact to the General Fund. All costs are absorbed by the CRA operating budget.

(Housing, Community and Economic Development and Personnel Committees waived consideration of the above matter)

ITEM NO. (13) - ADOPTED

06-1787

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the formation and activation of a Local Business Retention and Attraction Task Force (Task Force).

Recommendations for Council action, as initiated by Motion (Parks - Wesson - Garcetti - Perry):

1. FORM the Task Force, consisting of one representative from the Los Angeles Economic Development Corporation, Los Angeles Chamber of Commerce, Central City Association, VICA, Milken Institute, Greater Los Angeles African American Chamber of Commerce, Economic Alliance of the San Fernando Valley, Los Angeles Business Council, LDC Inc., and Kosmont Companies, as well as one representative appointed by each Councilmember with the exception of the Budget and Finance and Housing, Community and Economic Development Committees Chairs, who shall serve as co-chairs of the Task Force with one industry representative.

2. REQUIRE that appointees to the Task Force be owners or executives of businesses, economic development organizations, or business associations located in the City representing real estate, entertainment, fashion, air cargo, tourism, transportation, trade, retail, software development, manufacturing, professional services, aerospace, construction, or other industries.
3. INSTRUCT that the Task Force be given one year to evaluate the business climate in the City and provide recommendations to Council on ways to retain and attract business to the City.

4. DIRECT the following City departments to appoint a liaison to the Task Force, and that chief executive officers of these departments make themselves available to the Task Force as appropriate, to provide information on City services and processes as the Task Force conducts its work: Airports, Harbor, Water and Power, Planning, Housing, Community Development, Community Redevelopment, Public Works, Finance, Environmental Affairs, and others as requested by the Task Force.

Fiscal Impact Statement: Neither the City Attorney Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

ITEM NO. (14) - ADOPTED

04-1015
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to Authorization to Order Agreement with AT&T California under the State of California CALNET Agreement to continue City-wide telecommunications services.

Recommendation for Council action:

AUTHORIZE the Interim General Manager, Information Technology Agency, or designee, to execute the Authorization to Order (ATO) Agreement, attached to the Council file, with AT&T California under the State of California CALNET Agreement to extend the current term commitment for selected City-wide telecommunications services from December 3, 2006 to December 3, 2008, subject to submission of legal documentation reflecting the authorized name change from Pacific Bell to AT&T California, submission of evidence of compliance with the Contractor Responsibility Ordinance, and subject to the approval of the City Attorney as to form and legality.

Fiscal Impact Statement: The City Administrative Officer reports that the cost of the essential City telecommunications services to be acquired through the proposed ATO with AT&T California is approximately $16 million annually. The proposed ATO complies with the City Financial Policies since the cost of the agreement will be financed from ongoing revenue in the Communication Services Account No. 9350 in the Fiscal Year 2006-07 Budget of the Information Technology Agency.

ITEM NO. (15) - ADOPTED

06-2809 CD 9
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to committing the City to using City-owned property located at 3817 South San Pedro Street, as a child care center for the next three years.

Recommendation for Council action, pursuant to Motion (Perry - Parks):
AUTHORIZE the Department of General Services, or the Community Development Department, to execute the necessary documents to commit the City to using City-owned property, located at 3817 South San Pedro Street, currently occupied by the Children's Collective, Inc., as a child care center for the next three years, in order that the Children's Collective may receive a $12,000 grant by the State Department of Education, to repair the Heating, Ventilating, and Air-Conditioning system at this location.

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

Items for Which Public Hearings Have Not Been Held - Items 16-23
(10 Votes Required for Consideration)

Roll Call #5 - Motion (Zine - Parks) Adopted, Ordinance Over One Week, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)
(Item Nos. 16-17)

ITEM NO. (16) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION - ORDINANCE OVER TO DECEMBER 12, 2006

05-0191 CD 3 COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE FIRST CONSIDERATION relative to the improvement of Amigo Avenue and Tarzana Drive Lighting District A’13-L0570044.

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

PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings relating to the improvement of Amigo Avenue and Tarzana Drive Lighting District A’13-L0570044, in accordance with Sections 6.1-6.5 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

ITEM NO. (17) - ADOPTED

06-0005-S474 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, Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the Los Angeles Housing Department’s report of November 22, 2006:
a. Property at 1252 East 49th Street (Case No. 7793). Assessor I.D. No. 5107-025-010

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on February 3, 2004)

b. Property at 1710 West 52nd Street (Case No. 7209). Assessor I.D. No. 5003-012-017

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 2, 2004)

ITEM NO. (18) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

Roll Call #7 - Motion (LaBonge - Cardenas) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

COMMUNICATION

COMMUNICATION FROM CHAIR, ENERGY AND ENVIRONMENT COMMITTEE relative to the Stormwater Program for December 2005 and January 2006.

Recommendation for Council action:

NOTE and FILE the March 23, 2006 Bureau of Sanitation report relative to the Stormwater Program for December 2005 and January 2006, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

ITEM NO. (19) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

Roll Call #8 - Motion (Smith - Weiss) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

COMMUNICATION

COMMUNICATION FROM CHAIR, ENERGY AND ENVIRONMENT COMMITTEE relative to the Stormwater Program for February and March 2006.

Recommendation for Council action:

NOTE and FILE the June 6, 2006 Bureau of Sanitation report relative to the Stormwater Program for February and March 2006, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.
ITEM NO. (20) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

Roll Call #5 - Motion (Zine - Parks) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

06-2706
COMMUNICATION FROM CHAIR, PERSONNEL COMMITTEE relative to Amendment No. 1 to the 2004-07 Professional Medical Services Unit Memorandum of Understanding (MOU 10).

Recommendation for Council action:

APPROVE Amendment No. 1 to the 2004-07 MOU for the Professional Medical Services Unit (MOU 10), to provide for revised Salary Appendices C and D, effective July 1, 2006 and January 1, 2007, respectively, to establish three pay grade levels and corresponding salaries for the class of Veterinarian, Code 2365.

Fiscal Impact Statement: The City Administrative Officer reports that there is no General Fund impact for the remainder of the 2006-07 fiscal year as sufficient salary savings exist from vacant Veterinarian positions to absorb the cost of filling Veterinarian positions at higher pay grade levels.

Roll Call #9 - Motion (Zine - Smith) Adopted, Ayes (9); Noes: Parks (1); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5) (Item Nos. 21-22)

ITEM NO. (21) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

04-2094-S2
COMMUNICATION FROM CHAIR, PERSONNEL COMMITTEE relative to Amendment No. 1 to the Safety/Security Unit Memorandum of Understanding (MOU 18) for an alternative work schedule pilot program for specified Detention Officers in the Jail Division of the Los Angeles Police Department (LAPD).

Recommendation for Council action:

APPROVE Amendment No. 1 to the Safety/Security Unit Memorandum of Understanding (MOU 18) for an alternative work schedule pilot program for specified Detention Officers in the Jail Division of the LAPD.

Fiscal Impact Statement: The City Administrative Officer reports that the pilot program is designed to be cost neutral. No additional costs should be generated by approving this MOU amendment.
ITEM NO. (22) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

COMMUNICATION FROM CHAIR, PERSONNEL COMMITTEE relative to Amendment No. 1 to the Safety/Security Unit Memorandum of Understanding (MOU 12) for an alternative work schedule pilot program for specified Senior and Principal Detention Officers in the Jail Division of the Los Angeles Police Department (LAPD).

Recommendation for Council action:

APPROVE Amendment No. 1 to the Safety/Security Unit Memorandum of Understanding (MOU 12) for an alternative work schedule pilot program for specified Senior and Principal Detention Officers in the Jail Division of the LAPD.

Fiscal Impact Statement:  The City Administrative Officer reports that the pilot program is designed to be cost neutral.  No additional costs should be generated by approving this MOU amendment.

ITEM NO. (23) - ADOPTED

Roll Call #10 - Motion (Parks - Hahn) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

CONSIDERATION OF MOTION (PARKS - PERRY) relative to assistance to the County of Los Angeles in the implementation of the Metro-Care Plan which will preserve the medical services of the Martin Luther King-Drew Medical Center under the management of Harbor-UCLA Medical Center.

Recommendation for Council action:

OFFER assistance to the County of Los Angeles in the implementation of the Metro-Care Plan which will preserve the vital medical services of the Martin Luther King-Drew Medical Center under the management of Harbor-UCLA Medical Center.

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

Item for Which Public Hearing Has Been Held - Item 24

ITEM NO. (24) - ADOPTED

Roll Call #11 - Motion (Reyes - LaBonge) Adopted, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

CONTINUED CONSIDERATION OF PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to inclusion of the property located at 1810-16 Whitley Avenue in the list of Historic-Cultural Monuments.

Recommendations for Council action:
1. ADOPT the Findings of the City Planning Department, Office of Historic Resources as the Findings of the Council.

2. APPROVE the City Planning Department, Office of Historic Resources, September 7, 2006 staff recommendations, and THEREBY DISAPPROVE for inclusion in the list of Historic-Cultural Monuments property located at 1810-16 Whitley Avenue. (Approval of the staff recommendations overturns the September 7, 2006 decision of the Cultural Heritage Commission (CHC) to include the property in the list of Historic-Cultural Monuments.)

Applicant: Robert Nudelman and Dave Monks, Hollywood Heritage CHC-2006-5594- HCM

Fiscal Impact Statement: The CHC reports that such designation in and of itself has no fiscal impact. Future applications for permits may cause minimal administrative costs.

TIME LIMIT FILE - DECEMBER 6, 2006

(LAST DAY FOR COUNCIL ACTION - DECEMBER 1, 2006)

(Continued from Council meeting of November 29, 2006)

Items for Which Public Hearings Have Not Been Held - Items 25-26
(10 Votes Required for Consideration)

ITEM NO. (25) - ADOPTED - NEW ORDINANCE OVER TO DECEMBER 12, 2006

Roll Call #12 - Motion (Greuel - Parks) Adopted, Ordinance Over One Week, Ayes (10);
Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

02-2658
CONTINUED CONSIDERATION OF ORDINANCE FIRST CONSIDERATION, MOTION (PARKS - CARDENAS) and AMENDING MOTION (PARKS - GREUEL) relative to extending the new business tax exemption for ten years for the second year of operation and updating the industry codes for contractors and film producers.

RECEIVED AND FILED

A. ORDINANCE FIRST CONSIDERATION

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

PRESENT and ADOPT the accompanying ORDINANCE amending Article I, Chapter II, Section 21.30 of the Los Angeles Municipal Code to extend the new business tax exemption for ten years for the second year of operation and update the industry codes for contractors and film producers.
ADOPTED

B. MOTION (PARKS - CARDENAS)

ADOPT the following recommendations in lieu of portions of the Ordinance on Council file No. 02-2658 pertaining to extension of the new business tax exemption for the second year of operation:

1. The second year exemption from the business tax for new businesses will be subject to review and may result in a suspension of the second-year exemption for new businesses under any of the following circumstances, as determined by the Council, subject to the approval of the Mayor:
   a. The City experiences a major natural or man-made disaster including, but not limited to, earthquakes, fires, or terrorist incident, the response and recovery for which require expenditure of more than one percent of General Fund revenues (i.e. $40M in 2006-07); or
   b. An economic downturn resulting in a resulting than one percent overall actual decline in all General Fund revenue for the fiscal year ended June 30 of that year (i.e. $40M in 2006-07); or
   c. The City is legislatively, legally or otherwise precluded from levying and collecting General Fund revenue that result in a greater than one percent total decline in budgeted General Fund revenue for that fiscal year (i.e. $40M in 2006-07); or
   d. The City receives a legal judgment for which either an option for legal appeal does not exist, or the City Council and the Mayor decline to pursue such legal appeal, and such judgment exceeds 10 percent of the Reserve Fund (i.e. $18.5M in 2006-07); or
   e. There is a non-discretionary situation requiring expenditure of any funds from the Emergency Reserve Account of the Reserve Fund.

2. To implement a suspension of the exemption in a given calendar year, action by the Council, subject to the approval of the Mayor, must be made by September 30th of the preceding calendar year to allow sufficient time to advertise the suspension of the exemption to the business community.

3. A suspension of the tax exemption will result in a period equivalent to the suspension period being added to the original five-year exemption period. This would result in the sunset clause of the ordinance expiring at the end of five years, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed five total years.

4. Reinstatement of the exemption shall require approval of the Council, subject to the approval of the Mayor.

5. Request the City Attorney to prepare and submit an ordinance for Council consideration to implement a Business Tax Exemption policy for the second year for new businesses, as specified above.
ADOPTED

C. AMENDING MOTION (PARKS - GREUEL)

Recommendation for Council action:

AMEND Motion (Parks - Cardenas) to substitute Recommendation No. 3 as follows:

3. The exemption period shall be in effect for 10 years unless the Council takes one of the following actions: 1) Before September 30th of the fifth year takes an affirmative action to not extend the exemption period for a second consecutive five year period: or 2) Prior to September 30th of the 10th year of the exemption period, extend the exemption period beyond 10 years. A suspension of the tax exemption will result in a period equivalent to the suspension period being added to the original 10 year exemption period, or five year exemption period if the Council takes an action to not extend the exemption period for the second five year period. This would result in the sunset clause of the ordinance expiring at the end of 10 years, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed 10 total years, unless the Council takes affirmative action to extend the exemption period beyond 10 years, or if the Council takes an action to not extend the exemption period for a second five year period then the sunset clause of the ordinance would expire at the end of the fifth year, or the number of years the exemption was in effect plus any suspension period, whichever is greater, but in no event would the actual number of years of second year tax exemption exceed five total years.

(Continued from Council meeting of November 29, 2006)

ITEM NO. (26) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION AS AMENDED - SEE FOLLOWING

Roll Call #13 - Motion (Reyes - Smith) to Adopt as Amended, Ayes (10); Absent: Padilla, Perry, Rosendahl, Wesson and President Garcetti (5)

03-1183
CD 1
CONTINUED CONSIDERATION OF MITIGATED NEGATIVE DECLARATION and COMMUNICATION FROM THE CITY ENGINEER relative to vacating Bunker Hill Avenue and Boston Street Vacation District (Revised; VAC E1400860).

Recommendations for Council action:

1. FIND that Mitigated Negative Declaration No. ENV 2003-7521-MND-REC filed with the Los Angeles County Clerk on January 7, 2005 pursuant to the City of Los Angeles Environmental Guidelines complies with the California Environmental Quality Act of 1970 for the vacation of Boston Street and Bunker Hill Avenue lying southeasterly of Figueroa Street and southwesterly of Cesar E. Chavez Avenue and further FIND that said document (No. PI 242-04 filed on October 21, 2004) is located in Council file No. 03-1183 in the custody of the City Clerk.
2. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit D of the October 3, 2006 City Engineer report and attached to the Council file:

   Boston Street and a portion of northwesterly side of Bunker Hill Avenue lying southeasterly of Figueroa Street and southwesterly of Cesar E. Chavez Avenue and southwesterly of Cesar E. Chavez Avenue.

3. ADOPT the FINDINGS of the City Engineer dated October 3, 2006, as the Findings of the Council.

4. ADOPT the accompanying City Engineer report dated October 3, 2006 to approve the vacation.

5. AMEND the previous Council action of June 21, 2005 in regard to this matter to not consider the City Engineer report dated February 18, 2005.

6. INSTRUCT the City Clerk to set a public hearing date for JANUARY 17, 2007.

   Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of $6,540.00 for the investigation and processing of this request pursuant to Section 7.42 of the Los Angeles Administrative Code (LAAC). Any deficit fee to recover the cost pursuant to LAAC Section 7.44 may be required of the petitioner.

   (Public Works Committee waived consideration of the above matter)

   (Continued from Council meeting of November 28, 2006)

ADOPTED

AMENDING MOTION (REYES - SMITH)

Recommendations for Council action:

1. DELETE Conditions Nos. 8a and 8d requiring roadway widening on, respectively, Figueroa Street and Cesar E. Chavez Avenue.

2. MODIFY Condition No. 15 to state: That the street lighting facilities be installed in compliance with the specifications of the Cesar Chavez Transit Corridor Streetscape Plan to the satisfaction of the Community Redevelopment Agency and as may be required by the Bureau of Street Lighting.

3. MODIFY Condition No. 16 to state: That street trees be planted and tree wells installed in compliance with the specifications of the Cesar Chavez Transit Corridor Streetscape Plan to the satisfaction of the Community Redevelopment Agency and as may be required by the Street Tree Division of the Bureau of Street Services.
4. ADD the following condition: Install enhanced crosswalks at Cesar E. Chavez Avenue connecting the southwest and northwest corners of the Cesar E. Chavez Avenue/Bunker Hill Avenue intersection and the southeast and northeast corners of Cesar E. Chavez Avenue/Figueroa Street intersection, as illustrated in the Cesar Chavez Transit Corridor Streetscape Plan, to the satisfaction of the Community Redevelopment Agency.

5. ADD the following condition: Install an enhanced crosswalk at Figueroa Street connecting the southwest and southeast corners of the Cesar Chavez Avenue/Figueroa Street intersection, as illustrated in the Cesar Chavez Transit Corridor Streetscape Plan, to the satisfaction of the Community Redevelopment Agency.

6. ADD the following condition: Install a corner plaza at the southwest corner of the Cesar Chavez Avenue/Bunker Hill Street intersection to the satisfaction of the Community Redevelopment Agency.

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

06-2954
CD 7 MOTION (CARDENAS for PADILLA - HUIZAR) relative to declaring the 14th Annual Cesar Chavez Peregrination and Cultural Arts Festival on March 25, 2007 a Special Event (fees and costs absorbed by the City = $2,800).

04-2324
CD 14 MOTION (HUIZAR - CARDENAS) relative to declaring the Yorkdale Neighborhood Leadership Group Annual Posadas on December 16, 2006 a Special Event (fees and costs absorbed by the City = $1,226).

06-2962
CD 13 MOTION (GREUEL for GARCETTI - LABONGE) relative to declaring the event at the Ricardo Montalban Theater on December 1, 2006 a Special Event (fees and costs absorbed by the City = none submitted).

06-2964
CD 9 MOTION (GREUEL for PERRY - WEISS) relative to declaring the Project Homeless Connect on December 6, 2006 a Special Event (fees and costs absorbed by the City = $1,661).

05-2783
CD 11 MOTION (LABONGE for ROsendahl - HAHN) relative to declaring the Chanukah Festival on December 10, 2006 a Special Event (fees and costs absorbed by the City = $1,647).

06-2966
CD 5 MOTION (WEISS - LABONGE) relative to declaring the One Year Anniversary Party on December 6, 2006 a Special Event (event sponsor to reimburse the City for all fees and costs incurred).

06-2967
CD 3 MOTION (ZINE - SMITH) relative to declaring the Rotary Club of Woodland Hills Arts and Crafts Faire on December 9-10, 2006 a Special Event (fees and costs absorbed by the City = $4,316).
MOTION (HUizar - SMITH) relative to declaring the Antigua’s Community Festival on December 16, 2006 a Special Event (fees and costs absorbed by the City = none submitted).

MOTION (LABONGE - HAHN) relative to declaring the Holiday Party on December 16, 2006 a Special Event (fees and costs absorbed by the City = $1,188).

MOTION (LABONGE - HAHN) relative to declaring the Dedication Ceremony of the Martha Levisohn Aurback Chabad on January 28, 2006 a Special Event (fees and costs absorbed by the City = none submitted).

MOTION (GREUEL - WEISS) relative to installing street banners announcing the Sunland Tujunga Neighborhood Council from January 1, 2007 through December 31, 2008.

MOTION (REYES - LABONGE) relative to authorizing the Department of City Planning to use the City Hall Tom Bradley Room on January 10, 2006.

MOTION (LABONGE - HAHN) relative to a transfer of funds to pay for services at the Council District Four reception for the Korean American Coalition in the City Hall Tom Bradley Room.

MOTION (HUizar - LABONGE) relative to funding the continued operation of the Beautification and Clean-up program in the Council District 14 Adelante Eastside Redevelopment Project area.

MOTION (ZINE - PARKS) relative to making current the City’s payments to the contractor carrying out seismic strengthening and widening of two bridges over the Los Angeles River.

MOTION (SMITH - ZINE - REYES) relative to utilizing outside counsel in the matter of Tennie Pierce v. City of Los Angeles.

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

RESOLUTION (GREUEL- HUizar) relative to the City acting as a pass-through in accepting and transferring State grant monies to the California State University Los Angeles (CSULA).
COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

06-2346 - Lawrence E. Manion, Chief of Police (Zine - All Councilmembers)
Los Angeles School Police Department

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

06-2357 - David Hermance (Hahn)
Concetta De Meglio (Hahn - All Councilmembers)
Mrs. Quirino (Hahn - All Councilmembers)
Elizabeth “Bebe” Moore Campbell Gordon (Parks - All Councilmembers)
Mary Gail Gethers (Parks)
Earnestine Roberts (Zine - All Councilmembers)
Robert Altman (LaBonge)

Ayes, Cardenas, Greuel, Hahn, Huizar, LaBonge, Parks, Reyes, Smith, Wesson and Zine (10);
Absent: Padilla, Perry, Rosendahl, Weiss and President Garcetti (5).

Whereupon the Council did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT PRO TEMPORE OF THE CITY COUNCIL