

Los Angeles City Council, Journal/Council Proceedings
Wednesday, May 5, 2004
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: Garcetti, Greuel, LaBonge, Ludlow, Miscikowski, Parks, Perry, Smith, Zine and President Padilla (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5).

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
APRIL 30, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 20

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 1-4

**Roll Call #1 - Motion (Miscikowski - Smith) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)
(Item Nos. 1-4)**

ITEM NO. (1) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 26, 2004

03-2522 - HEARING PROTESTS against the proposed improvement and maintenance of the
CD 12 ZELZAH AVENUE AND LONGACRE AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Zelzah Avenue
and Longacre 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 March 3, 2004 - Continue hearing and present
Ordinance on MAY 26, 2004 to consider report of protests to be submitted as
a result of balloting, pursuant to Proposition 218)

ITEM NO. (2) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 26, 2004

03-2537 - HEARING PROTESTS against the proposed improvement and maintenance of the
CD 9 LOS ANGELES STAPLES CENTER LIGHTING DISTRICT.

Recommendation for Council action:

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

(Ordinance of Intention adopted on March 3, 2004 - Continue hearing and present Ordinance on MAY 26, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (3) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 26, 2004

03-2538 - HEARING PROTESTS against the proposed improvement and maintenance of the
CD 9 TEMPLE STREET AND GRAND AVENUE LIGHTING DISTRICT.

Recommendation for Council action:

HEAR PROTESTS against the proposed improvement and maintenance of Temple Street and Grand 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 March 3, 2004 - Continue hearing and present Ordinance on MAY 26, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

ITEM NO. (4) - PUBLIC HEARING HELD - ORDINANCE TO BE PRESENTED ON MAY 26, 2004

03-2635 - HEARING PROTESTS against the proposed improvement and maintenance of the
CD 11 NATIONAL BOULEVARD AND SAWTELLE BOULEVARD LIGHTING DISTRICT.

Recommendation for Council action:

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

(Ordinance of Intention adopted on March 3, 2004 - Continue hearing and present Ordinance on MAY 26, 2004 to consider report of protests to be submitted as a result of balloting, pursuant to Proposition 218)

Items for Which Public Hearings Have Been Held - Items 5-17

ITEM NO. (5) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATIONS - FORTHWITH - SEE FOLLOWING

Roll Call #6 - Motion (Miscikowski - Ludlow) Adopted, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)

04-0580 - COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Tariq A. Khero to the Board of Animal Services Commission.

Recommendation for Council action:

RESOLVE that the appointment of Mr. Tariq A. Khero to the Board of Animal Services Commission for the term ending June 30, 2008 to fill the vacancy created by the Council's action to Receive and File the Mayor's appointment of Kevin L. Ridley, is APPROVED and CONFIRMED. Mr. Khero resides in Council District 10. (Commission gender composition: M=3; F=1; Vacancy=1)

TIME LIMIT FILE - MAY 10, 2004

(LAST DAY FOR COUNCIL ACTION - MAY 7, 2004)

(Public Safety Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comments will be provided.)

ADOPTED

PUBLIC SAFETY COMMITTEE REPORT relative to the appointment of Mr. Tariq A. Khero to the Board of Animal Services Commission.

Recommendation for Council action:

RESOLVE that the appointment of Mr. Tariq A. Khero to the Board of Animal Services Commission for the term ending June 30, 2008 to fill the vacancy created by the Council's action to Receive and File the Mayor's appointment of Kevin L. Ridley, is APPROVED and CONFIRMED. Mr. Khero resides in Council District 10. (Commission gender composition: M=3; F=1; V=1)

TIME LIMIT FILE - MAY 10, 2004

(LAST DAY FOR COUNCIL ACTION - MAY 7, 2004)

ITEM NO. (6) - ADOPTED, AS AMENDED - SEE FOLLOWING

Roll Call #7 - Motion (Miscikowski - Parks) to Adopt as Amended, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)

03-2714 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to Department of Water and Power's (DWP) Economic Development Group (EDG).

Recommendation for Council action:

NOTE and FILE the April 12, 2004 report from the DWP relative to the criteria used to allocate funds for the EDG during Fiscal Year 2003-04, and a detailed list describing all economic development programs funded since EDG's inception, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

ADOPTED

AMENDING MOTION (GREUEL - GARCETTI)

Recommendation for Council action:

INSTRUCT the Department of Water and Power (DWP) to present a report in 30 days, including but not limited to, the process whereby funds are distributed by the Economic Development Group, how organizations may access funds, and the priorities of the DWP.

ITEM NO. (7) - CONTINUED TO MAY 19, 2004

Roll Call #8 - Motion (Miscikowski - Smith) Adopted to Continue, Unanimous Vote (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)

04-0590 - COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT relative to a proposed Fourth Amendment to Agreement No. 47040 between Van Ness Feldman, P.C. (Van Ness) and the Department of Water and Power (DWP) to provide the DWP with legal representation in various public utility issues.

Recommendation for Council action:

CONCUR with the Board of Water and Power Commissioners' action on March 16, 2004, Resolution No. 004-226, which authorizes increasing the agreement's expenditure limit to \$2,500,000 per calendar year, and extending the duration from July 31, 2004 to September 30, 2007, to provide the DWP with legal representation in matters relating to generation, transmission, wholesale energy marketing and other public utility issues before federal regulatory agencies, federal courts and legislative bodies.

Fiscal Impact Statement: The City Administrative Officer reports that approval of this proposed Fourth Amendment to Contract No. 47040 with Van Ness will have no impact on the City's General Fund. The current expenditure level of \$5.3 million for the Contract will increase by as much as an additional \$7.5 million for the next three years, with a total amount of up to \$12.8 million over the life of the Contract.

TIME LIMIT FILE - MAY 29, 2004

(LAST DAY FOR COUNCIL ACTION - MAY 28, 2004)

**Roll Call #2 - Motion (Garcetti - Zine) Adopted, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)
(Item Nos. 8-13)**

ITEM NO. (8) - ADOPTED

03-0002 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
S18 and RESOLUTION relative to supporting HR 1102 (Sanders) to establish a National Affordable Housing Trust Fund in the Treasury of the United States.

Recommendation for Council action, pursuant to Resolution (Hahn - Greuel), SUBJECT TO THE APPROVAL OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2003-04 Legislative Program SUPPORT for HR 1102 (Sanders) to establish a National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of affordable housing for low-income families.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund.

ITEM NO. (9) - ADOPTED

03-0002 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
S53 and RESOLUTION relative to opposing HR 833 (Ney), the Responsible Lending Act and/or any similar legislation, which would negate all state and local anti-predatory lending laws.

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

ADOPT the accompanying RESOLUTION to include in the City's 2003-04 Legislative Program OPPOSITION to HR 833 (Ney), the Responsible Lending Act and/or any similar legislation, which would negate all state and local anti-predatory lending laws without providing any meaningful, new protections for consumers.

Fiscal Impact Statement: The Chief Legislative Analyst reports that this action will not impact the General Fund.

ITEM NO. (10) - ADOPTED

04-0224 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
02-0534 relative to increasing the contract amount with Vanir Construction Management for the
CD 3 implementation of the Canoga Park and Reseda Streetscape Projects, and related actions.

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

1. AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to amend Contract No. 502457 with Vanir Construction Management to increase compensation by \$75,000, from \$100,000 to \$175,000, for the continuation of construction management services for two streetscape projects in the Reseda-Canoga Park Project Area, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the City Administrative Officer (CAO), Contractor Enforcement Section, for compliance with the Agency's contracting requirements.
2. AUTHORIZE the Controller, upon proper demand of the Agency, to transfer \$80,000 from the Department of Public Works, Department 50 (Non-Department-Appropriation to Specific Purpose), Fund 43D (Street Furniture Revenue Fund), Appropriation Account Council District Three, from 2003-04, to the Agency Work Objective RP3610 (Canoga Park Streetscape) for the fabrication and installation of four entry markers for the communities of Canoga Park and Winnetka.
3. AUTHORIZE the Chief Executive Officer, Agency, or designee, to accept \$80,000 from the Council District Three Street Furniture Revenue Fund and to amend its adopted 2003-04 Work Program and Budget.
4. AUTHORIZE the CAO to prepare Controller instructions and/or make any technical adjustments that may be required consistent with this action, and to AUTHORIZE the Controller to implement said instructions.

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The recommendations above involve the transfer of \$80,000 from the Council District Three Street Furniture Revenue Fund to the Community Redevelopment Agency to cover a portion of the cost of four entry markers for the Canoga Park and Winnetka communities. The recommended actions will also involve \$75,000 in Reseda-Canoga Park Tax Increment funds for the Vanir Construction Management contract amendment.

ITEM NO. (11) - ADOPTED - TO THE MAYOR FORTHWITH

03-0560 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
relative to executing a contract with MACS Laboratory, Inc., and amendments increasing
the total annual appropriations for various technical and construction management service
contracts.

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

1. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to:

- a. Execute contract amendments with the technical service contractors identified in the Attachment to the April 23, 2004 City Administrative Officer (CAO) report to the Mayor and Council (attached to the Council file), by an amount not to exceed the funds indicated in the Attachment, for the period April 1, 2004 to March 31, 2005, with the option of one additional one-year period, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the CAO, Contractor Enforcement Section, as to compliance with the City's contract provisions.
- b. Negotiate and execute a contract with MACS Laboratory, Inc. in an amount not to exceed \$76,250 for a term of one year beginning April 1, 2004 through March 31, 2005, subject to the approval of the City Attorney as to form and legality, and further subject to the review of the CAO, Contractor Enforcement Section, as to compliance with the City's contract provisions.
- c. Prepare Controller instructions and make any necessary technical adjustments consistent with this action, subject to the review of the CAO; and, authorize the Controller to implement these instructions.

2. AUTHORIZE the Controller to:

- a. Establish a new account for Handyworker Technical Services in the following fund:

<u>Fund</u>	<u>Account</u>	<u>Title</u>
424/22	W844	Handyworker Technical Services

- b. Transfer appropriations within Community Development Block Grant Fund 424/Dept. 22, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	W209	NPP	\$ 85,000
To:	W844	Handyworker Technical Services	\$ 85,000

- c. Transfer appropriations within HOME Fund 561, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	W211	Housing Development	\$ 154,375
	W223	Homeownership	298,750
	W209	NPP	<u>109,375</u>
		Total	\$ 562,500
To:	W844	Technical Services	\$ 562,500

d. Transfer appropriations within Lead Grant IV Fund XXX/Dept. 43, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	W302	Lead Hazard Reduction/Direct	\$ 160,000
To:	W844	Technical Services	\$ 160,000

e. Expend the following trust funds as program delivery costs for contracting these services upon proper demand of the General Manager, LAHD or designee:

<u>Fund/Dept.</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>
561/43	W844	Technical Services	\$ 562,500
XXX/43	W844	Technical Services	160,000
424/22	W844	Handyworker Technical Services	<u>85,000</u>
Total			\$ 807,500

Fiscal Impact Statement: The CAO reports that this action will not impact the General Fund. The proposed funding for the technical service and construction management contract amendments and new contract will be provided by 30th Program Year Consolidated Plan funds, including HOME Investment Partnership Act funds (\$562,500) and Community Development Block Grant funds (\$85,000). Funding will also be provided by Lead Grant IV funds (\$160,000).

ITEM NO. (12) - ADOPTED - TO THE MAYOR FORTHWITH

04-0820 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT
 CD 14 relative to allocating approximately \$1.175 million of unbudgeted Produce Market sale proceeds toward the purchase of the Boyle Heights Constituent Services Center.

Recommendations for Council action, pursuant to Motion (Villaraigosa - Reyes), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. INSTRUCT the General Manager, Community Development Department (CDD), with the assistance of the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA), to allocate approximately \$1.175 million of unbudgeted Produce Market sale proceeds toward the purchase of the Boyle Heights Constituent Services Center.

2. AUTHORIZE the Controller to:

a. Establish new accounts within the Fund No. 356 UDAG, Miscellaneous Revenue as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
V317	CD-14 Constituent Center	\$1,175,000

- b. Expend funds upon proper demand of the General Manager, CDD.
- 3. AUTHORIZE the CDD to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the review of the CAO; and, AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: None submitted by the CDD. Neither the CAO nor the CLA has completed a financial analysis of this report.

ITEM NO. (13) - ADOPTED - TO THE MAYOR FORTHWITH

04-0769 - HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to allocating funding to the Department of Recreation and Parks and Los Angeles Housing Department (LAHD) for specified programs.

Recommendations for Council action, pursuant to Motion (Garcetti - Villaraigosa), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. INSTRUCT the Community Development Department (CDD) with the assistance of the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA) to review unbudgeted Urban Development Action Grant (UDAG) balances, including proceeds from the sale of the Produce Market, and to allocate funding in the amount of \$425,000 to restore Community Development Block Grant cuts to the Department of Recreation and Parks on one-time basis for the Youth Supplemental Nutrition and Enrichment Program, and in the amount of \$500,000 for the LAHD to conduct environmental studies necessary to meet California Environmental Quality Act requirements relative to the Inclusionary Zoning Ordinance.

2. AUTHORIZE the Controller to:

- a. Establish new accounts within the Fund No. 356 UDAG Miscellaneous Revenue as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
V315	Youth Supplemental Nutrition Program	\$425,000
V316	Environmental Studies	500,000

- b. Expend funds upon proper demand of the General Manager, CDD.
- 3. AUTHORIZE the CDD to prepare Controller instructions and/or make any technical adjustments that may be required and are consistent with this action, subject to the review of the CAO; and, AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: None submitted by the CDD. Neither the CAO nor the CLA has completed a financial analysis of this report.

ITEM NO. (14) - ADOPTED, *AS AMENDED - SEE FOLLOWING

Roll Call #9 - Motion (Miscikowski - Zine) to Adopt as Amended, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)

04-0552 - PUBLIC SAFETY COMMITTEE REPORT relative to hiring a fifth class of recruits for the Los Angeles Fire Department during Fiscal Year (FY) 2003-04.

Recommendations for Council action, as initiated by Motion (Miscikowski - Parks), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Fire Chief, Los Angeles Fire Department (LAFD), to hire a fifth recruit class of 45 *90 recruits to begin in June 2004. ***(Miscikowski - Parks)**
2. INSTRUCT the LAFD and the City Administrative Officer (CAO) to report back through the financial status reports on the status of the LAFD's salaries accounts and any projected shortfalls in these accounts as a result of hiring this additional class.
3. INSTRUCT the LAFD to report back on the use of the Constant Staffing Overtime Account.

Fiscal Impact Statement: The CAO reports that a total of \$472,000 in savings is estimated in the LAFD's Constant Staffing Overtime Account for the 2004-05 FY. These funds will be used to offset the cost of firefighter recruit salaries.

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

**Roll Call #2 - Motion (Garcetti - Zine) Adopted, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)
(Item Nos. 15-17)**

ITEM NO. (15) - ADOPTED

03-1148 - CATEGORICAL EXEMPTION, INFORMATION TECHNOLOGY AND GENERAL SERVICES CD 9 and TRANSPORTATION COMMITTEES' REPORT relative to the purchase of the Iwasaki property located south of the Cathedral Place site.

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

1. FIND that this action is exempt from California Environmental Quality Act (CEQA), pursuant to Article II, Section 1 of the City's CEQA guidelines, Section 21605 of the Public Resources Code, and Section 15378(a) of the State CEQA guidelines, inasmuch as it can be seen with certainty that there is no possibility that the purchase of the property for its intended use may have a significant effect on the environment because there will be no significant physical changes to the property.

2. INSTRUCT the Department of General Services (GSD) with the assistance of the Bureau of Engineering, and other departments as appropriate, to conduct the necessary due diligence to determine whether there are any conditions related to the site which would materially impact the value of the property or impede future development, including entering into contracts as necessary for environmental/hazardous materials assessments, archeology or other services.
3. AUTHORIZE the purchase of the Iwasaki Property, in the amount of \$2,750,000, subject to the completion of due diligence, and AUTHORIZE up to an additional \$250,000 for all acquisition related costs, including due diligence and escrow related costs.
4. AUTHORIZE the GSD to open escrow and take all actions necessary to finalize the purchase of the property, subject to completion of due diligence and finding that there are no conditions on the property which would materially impact the value or impede future development.
5. AUTHORIZE the Controller to establish a new account entitled, "St Vibiana Parking Facility" and to TRANSFER up to \$3 million within the Special Parking Revenue Fund No. 363/94 from the accounts indicated below to the new account, as follows:

	<u>Account</u>	<u>Title</u>	<u>Amount</u>
From:	V201	Projects To Be Designated	\$1,450,000
	J204	Vermont-Slauson OSP	950,000
	J205	Vermont-Slauson OSP	<u>600,000</u>
		Total	\$3,000,000
To:	XXXX	Cathedral Place Parking Facility	\$3,000,000

6. AUTHORIZE the expenditure upon the proper demand of the General Manager, Department of Transportation.
7. AUTHORIZE the Controller to make other technical adjustments as necessary to complete the transaction.

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

ITEM NO. (16) - MOTION ADOPTED TO APPROVE COMMUNICATION AND COMMITTEE REPORT RECOMMENDATIONS

03-0328 - PERSONNEL COMMITTEE REPORT and COMMUNICATION FROM CHAIR, AUDITS AND GOVERNMENTAL EFFICIENCY COMMITTEE relative to status of the City's workers' compensation liability and impact of recently adopted State workers' compensation reform legislation.

Recommendations for Council action:

1. NOTE and FILE the Personnel Department's report, dated December 1, 2003, relative to the status of the City's workers' compensation liability and the impact of recently adopted State workers' compensation reform legislation, inasmuch as the report is submitted for information only, and no Council action is required.
2. INSTRUCT the Personnel Department to report to the Personnel and Audits and Governmental Efficiency Committees on the City's risk management activities.
3. INSTRUCT the Personnel Department to report to the Personnel and Audits and Governmental Efficiency Committees with an update on workers' compensation liability containment measures.

Fiscal Impact Statement: None submitted by the Personnel Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed an analysis of this report.

ITEM NO. (17) - ADOPTED

03-1897 - CONTINUED CONSIDERATION OF MOTION (SMITH - GARCETTI) relative to initiating street vacation proceedings for the vacation of Vista Del Mar Avenue northerly of Yucca Street to its terminus at the Hollywood Freeway, in Council District 13.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for the vacation of Vis Del Mar Avenue northerly of Yucca Street to its terminus at the Hollywood Freeway, in Council District 13.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

(Continued from Council meeting of April 28, 2004)

Items for Which Public Hearings Have Not Been Held - Items 18-29 (10 Votes Required for Consideration)

ITEM NO. (18) - CONTINUED TO MAY 12, 2004

**Roll Call #3 - Motion (Garcetti - Ludlow) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)**

04-0005 - RESOLUTION removing the property at 1759 Orchid Avenue from the Rent Escrow Account Program [REAP], (Case No. 4322), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of April 28, 2004.

Assessor I.D. No. 5548-004-016
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on November 16, 2001)

**Roll Call #4 - Motion (Greuel - Parks) Adopted, Ayes (10); Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)
(Item Nos. 19-29)**

ITEM NO. (19) - ADOPTED

04-0005 - RESOLUTION removing the property at 908-12 West 81st Street from the Rent Escrow Account Program [REAP], (Case No. 6439), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of April 28, 2004.

Assessor I.D. No. 6032-005-003
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on May 1, 2003)

ITEM NO. (20) - ADOPTED

04-0005 - RESOLUTION removing the property at 518 West 82nd Street from the Rent Escrow Account Program [REAP], (Case No. 6607), inasmuch as the owner has corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No. 173810, and ADOPT the Findings contained in the Los Angeles Housing Department's report of April 28, 2004.

Assessor I.D. No. 6032-021-017
Registration No. 6263909

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on August 14, 2003)

ITEM NO. (21) - ADOPTED

04-0005 - RESOLUTION removing the property at 6856 Agnes Avenue from the Rent Escrow
S176 Account Program [REAP], (Case No. 6808), inasmuch as the owner has corrected the
CD 6 cited REAP violations and provided proof of compliance with the Los Angeles Housing
Department, Code Enforcement Unit, habitability citations, pursuant to Ordinance No.
173810, and ADOPT the Findings contained in the Los Angeles Housing Department's
report of April 28, 2004.

Assessor I.D. No. 2321-024-020
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was sent on
July 29, 2003)

**ITEM NO. (22) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS -
TO THE MAYOR FORTHWITH**

01-1418 - COMMUNICATION FROM THE CITY ATTORNEY relative to the Victim Emergency
Assistance Program Grant for Fiscal Year 2004-05.

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

1. AUTHORIZE the City Attorney to submit the grant program renewal for the period of July 1, 2004 through June 30, 2005 in the amount of \$200,000 from the State Victim Compensation and Government Claims Board, subject to the approval of the City Attorney as to form and legality.
2. AUTHORIZE the City Attorney to approve the accompanying contract between the City and the State of California and to execute said contract, subject to the approval of the City Attorney as to form and legality.
3. AUTHORIZE the City Attorney to accept the funding in the amount of \$200,000 from the State Victim Compensation and Government Claims Board.
4. AUTHORIZE the Controller to maintain the revolving account, entitled "Victim Emergency Award Payment" (VEAP), and AUTHORIZE the City Attorney to accept the renewal of the grant award funds in the amount of \$200,000. The funds will continue to be in the existing account administered by the City Attorney's Office, Department No. 12, Fund No. 368. The Board will fully reimburse the City for payments made from this VEAP account upon the submission of proper documentation. Said reimbursement funds received from the State Victim Compensation and Government Claims board will be redeposited to the VEAP account.
5. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer (CAO) and AUTHORIZE the Controller to implement the instructions.

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

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

ITEM NO. (23) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS - TO THE MAYOR FORTHWITH

01-0668 - COMMUNICATION FROM THE MAYOR relative to the Los Angeles Minority Business Opportunity Committee (LA MBOC) Minority Enterprise Development (MED) Week Event 2004.

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

1. ACCEPT the donations, both cash and in-kind, being offered to the City of Los Angeles for the LA MBOC MED Week 2004 and the 2004 Greater Los Angeles Vendor Fair (GLAVF).
2. AUTHORIZE the LA MBOC to disburse the funds in a manner that is consistent with proposed uses and in compliance with federal guidelines.
3. AUTHORIZE the Controller to establish a new appropriation Account No. V205 within MBDA/MBOC Fund No. 575/46 to be used to disburse funds on an as-needed basis supported by proper documentation upon proper demand of the Mayor's Office.
4. INSTRUCT the Director of LA MBOC to report to the Mayor and the Council within 90 days after the MED Week event regarding the final disposition of funds received for the LA MBOC MED Week 2004 Event and the 2004 GLAVF.
5. THANK the companies through verbal or written recognition for their generous donations to the LA MBOC MED Week 2004 Event and the 2004 GLAVF.

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

(Audits and Governmental Efficiency Committee waived consideration of the above matter)

ITEM NO. (24) - ADOPTED

04-0834 - MOTION (VILLARAIGOSA - REYES) relative to declaring the Berkshire Neighborhood CD 14 Community Fair on July 3, 2004 a Special Event (fees and costs absorbed by the City = \$2,253).

Recommendation for Council action:

DECLARE the Berkshire Neighborhood Community Fair, sponsored by the Barrio Action Youth and Family Center on July 3, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (25) - ADOPTED

04-0836 - MOTION (PARKS - SMITH) relative to declaring the Sigma Nu Philanthropy on April 30, CD 8 2004 a Special Event (fees and costs absorbed by the City = \$312).

Recommendation for Council action:

DECLARE the Sigma Nu Philanthropy, sponsored by the University of Southern California chapter of the Sigma Nu Fraternity on April 30, 2004, a "Special Event" and INSTRUCT the involved City departments to perform such services as detailed in the Motion, including the waiver of all fees (costs absorbed by the City) and requirements, except insurance.

ITEM NO. (26) - ADOPTED

04-0835 - MOTION (SMITH - WEISS) relative to initiating street vacation proceedings for the CD 5 westerly half of the northerly side of Thrush Way approximately 175 feet northeasterly of Magnetic Terrace, in Council District Five.

Recommendations for Council action:

1. INITIATE street vacation proceedings, pursuant to California Streets and Highways Code, Division 9, Part 3, Public Streets, Highways and Service Easements Vacation Law for the westerly half of the northerly side of Thrush Way approximately 175 feet northeasterly of Magnetic Terrace, located in Council District Five.
2. DIRECT the Bureau of Engineering to investigate the feasibility of this vacation request.
3. DIRECT the Bureau of Engineering to present its report regarding the feasibility of vacating the requested areas to the Public Works Committee.

ITEM NO. (27) - ADOPTED

04-0002 - RESOLUTION (VILLARAIGOSA - PARKS - ET AL.) relative to opposing state budget cuts S82 which would reduce or eliminate programs that provide basic health and social services to low-income immigrants.

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

ADOPT the accompanying RESOLUTION that the City include in its 2003-04 Legislative Program OPPOSITION to the proposed state budget cuts which would reduce or eliminate programs that provide basic health and social services to low-income immigrants.

ITEM NO. (28) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-0845 - PARCEL MAP L.A. NO. 2002-4587 lying westerly of the Harbor Freeway on the south
CD 15 side of Gardena Boulevard.
(ADOPT City Engineer Report)
Applicants: Steve S. Hu
R.T. Quinn & Associates

ITEM NO. (29) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-0847 - PARCEL MAP L.A. NO. 2002-0435 and RESOLUTION lying westerly of Sunland Boulevard
CD 6 and on the southeast side of Olinda Street.
(Approve Subdivision Improvement Agreement and Contract with
attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-106537)
(ADOPT Resolution of Acceptance)
(Quimby Fee: \$4,542)
Applicants: Arnold Darini
Robert K. Kameoka

Closed Sessions - Items 30-36

ITEM NO. (30) - MEETING NOT HELD - CONTINUED TO MAY 12, 2004

**Roll Call #10 - Motion (Miscikowski - Garcetti) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)**

01-0976- The City Council shall recess to Closed Session, pursuant to Government Code Section
S39 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled
Gerald Peters v. James Hahn, et al., United States District Court Case No. CV 00-11597
GAF. (This case arises out of the arrest of plaintiff by Rampart CRASH officers and the
alleged violation of plaintiff's civil rights.)

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

ITEM NO. (31) - MEETING NOT HELD - CONTINUED TO MAY 12, 2004

**Roll Call #5 - Motion (Miscikowski - Garcetti) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)**

01-0976- S40 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the cases entitled Saldana v. City of Los Angeles, et al., United States District Court (USDC) Case No. CV 99-12130, and Peralta - Iraheta v. City of Los Angeles, et al., USDC Case No. CV 00-00018. (Plaintiffs allege wrongful death, battery, and violations of the First and Fourth Amendments for an officer-involved shooting on July 20, 1996.)

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

ITEM NO. (32) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

04-0789 - 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 Carol Tannenbaum v. City of Los Angeles, Los Angeles Superior Court Case No. BC 302860. (This case arises from a sanitation truck versus bicyclist accident, which occurred on December 28, 2002, at the intersection of Venice Boulevard and Boise Avenue.)

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

**Roll Call #5 - Motion (Miscikowski - Garcetti) Adopted to Continue, Unanimous Vote (10);
Absent: Cardenas, Hahn, Reyes, Villaraigosa and Weiss (5)
(Item Nos. 33-35)**

ITEM NO. (33) - MEETING NOT HELD - CONTINUED TO MAY 12, 2004

04-0826 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the cases entitled Mark A. Johnson v. City of Los Angeles, United States District Court Case No. CV 03-2808-NM (AJWx), and Mark A. Johnson v. City of Los Angeles, Los Angeles Superior Court Case No. BS087830. (Plaintiff alleges he was subjected to discrimination and unlawful retaliation during the course of his employment with the Los Angeles Police Department.)

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

ITEM NO. (34) - MEETING NOT HELD - CONTINUED TO MAY 12, 204

04-0827 - 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 Farhana Mohamed v. City of Los Angeles, Los Angeles Superior Court Case No. BC 296392. (Plaintiff alleges national origin discrimination/retaliation and failure to promote.)

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

ITEM NO. (35) - MEETING NOT HELD - CONTINUED TO MAY 12, 2004

04-0804 - 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 Alice Orjalo and Henry Davis v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 284444. (Plaintiffs allege race discrimination and whistleblowing retaliation during their employment with the Office of the Treasurer.)

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

ITEM NO. (36) - MEETING HELD - ACTION TAKEN IN CLOSED SESSION

02-2707 - 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 Smollen/Phillips, et al., v. City of Los Angeles, United States District Court Case Nos. CV 02-2720 WMB (PWJx), CV 02-6282 WMB (PWJx). (Plaintiffs allege employment discrimination.)

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

(Continued from Council meeting of April 28, 2004)

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

01-0873 - MOTION (PARKS - PERRY) relative to declaring the 22nd Annual Walk for Education Walk-a-Thon on May 22, 2004 a Special Event (fees and costs absorbed by the City = \$4,000).

04-0887 - MOTION (PERRY for HAHN - LABONGE) relative to declaring the Second Annual Upton Sinclair Uppie Awards on May 15, 2004 a Special Event (fees and costs absorbed by the City = \$380).

01-0419 - MOTION (PERRY for HAHN - LABONGE) relative to declaring the 38th Annual Palos Verdes Marathon, Half Marathon and 5K Community Run and Walk on May 15, 2004 a Special Event (fees and costs absorbed by the City = \$490).

02-0654 - MOTION (PERRY - PARKS) relative to declaring the LA Works Day on June 5, 2004 a Special Event (fees and costs absorbed by the City = \$1,674).

03-0026 - MOTION (PERRY - SMITH) relative to declaring the MOCA's 25th Anniversary Gala on May 15, 2004 a Special Event (fees and costs absorbed by the City = \$1,222).

COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:

04-0606 - Danny J. Bakewell Sr.

(Perry - Parks - Padilla - Garcetti - Ludlow)

Elana and S. Zachary Samuels

(Perry - Ludlow)

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

04-0607 - Hector Rivera

(Greuel)

Geraldine Harrell Baccus

(Parks)

Consolacion Pedralvez Umali

(Perry)

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

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL