

Los Angeles City Council, Journal/Council Proceedings
Tuesday, June 1, 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: Cardenas, Garcetti, Greuel, Hahn, LaBonge, Ludlow, Smith, Weiss, Zine and President Padilla (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5).

SALUTE TO THE FLAG BY ANTHONY CASILLAS

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF
MAY 26, 2004

COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 26

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 1-5

**Roll Call #12 - Motion (Garcetti - Greuel) Adopted, Ayes (13); Absent: Miscikowski and Reyes (2)
(Item Nos. 1-4)**

**ITEM NO. (1) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ASSESSMENTS CONFIRMED
- ORDINANCE ADOPTED**

03-2632 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 13 CONSIDERATION relative to the improvement and maintenance of ACRESITE STREET,
GREENSWARD ROAD AND FERNCROFT ROAD LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held May 11, 2004)

**ITEM NO. (2) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ASSESSMENTS CONFIRMED
- ORDINANCE ADOPTED**

03-2633 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 2 CONSIDERATION relative to the improvement and maintenance of MARGATE STREET
AND VESPER AVENUE LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held May 11, 2004)

ITEM NO. (3) - PUBLIC HEARING CLOSED - ADOPTED

03-2634 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 7 CONSIDERATION relative to the improvement and maintenance of FOOTHILL
BOULEVARD AND FILMORE STREET NO. 1 LIGHTING DISTRICT.

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

1. FIND that a majority protest exists in the Street Lighting Maintenance Assessment District and therefore the proposed assessment cannot be enacted.
2. PRESENT and ADOPT the accompanying ORDINANCE abandoning all proceedings for the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).
3. INSTRUCT the Bureau of Street Lighting, to assure that the streetlights are not installed or are removed if previously installed.

(Public Hearing held May 11, 2004)

**ITEM NO. (4) - PUBLIC HEARING CLOSED - PROTESTS DENIED - ASSESSMENTS CONFIRMED
- ORDINANCE ADOPTED**

03-2636 - CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST
CD 7 CONSIDERATION relative to the improvement and maintenance of GLADSTONE AVENUE
AND MACLAY STREET LIGHTING DISTRICT.

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

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting system, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Sections 50078.6 and 54954.6 (Proposition 218).

(Public Hearing held May 11, 2004)

ITEM NO. (5) - CONTINUED TO JUNE 2, 2004

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

03-2642 - HEARING COMMENTS relative to Application for Determination of "Public Convenience or Necessity" for the sale of alcohol for off-site consumption at the El Super (supermarket) at 12727 Sherman Way.

Application filed by: Bodega Latina Corporation

TIME LIMIT FILE - JUNE 3, 2004

(LAST DAY FOR COUNCIL ACTION - JUNE 2, 2004)

(Findings and Council recommendations required relative to the above application request)

Items for Which Public Hearings Have Been Held - Items 6-22

ITEM NO. (6) - ADOPTED

Roll Call #11 - Motion (Hahn - LaBonge) Adopted, Ayes (12); Absent: Miscikowski, Parks and Reyes (3)

03-0283 - RULES AND ELECTIONS COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative requiring disclosure by registered lobbying entities on written communications to Neighborhood Councils.

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

PRESENT and ADOPT the accompanying ORDINANCE adding Section 48.08.8 to the Los Angeles Municipal Code to require disclosure by registered lobbyists on their written communications to Neighborhood Councils.

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

ITEM NO. (7) - ADOPTED

Roll Call #12 - Motion (Garcetti - Greuel) Adopted, Ayes (13); Absent: Miscikowski and Reyes (2)

04-0060 - CATEGORICAL EXEMPTION, PUBLIC SAFETY COMMITTEE REPORT, COMMUNICATION FROM CHAIR AND VICE CHAIR BUDGET AND FINANCE COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to electronic animal identification devices.

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

1. FIND that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) under the City's CEQA Guidelines, pursuant to Article III, Section 1.
2. PRESENT and ADOPT the accompanying ORDINANCE relative to amending Section 53.15.5 of the Los Angeles Municipal Code relating to Electronic Animal Identification Devices.

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

**Roll Call #2 - Motion (LaBonge - Zine) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 8-11)**

ITEM NO. (8) - ADOPTED

02-2568 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the establishment of an off-leash dog exercise area in Eagle Rock.
CD 14

Recommendation for Council action:

RECEIVE and FILE Motion (Pacheco - Weiss) relative to the establishment of an off-leash dog exercise area in Eagle Rock, inasmuch as the Council Office of the 14th District no longer wishes to pursue this matter and no further Council action is required.

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

ITEM NO. (9) - ADOPTED

04-0242 - ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the possible acquisition of a parcel of land adjacent to Runyon Canyon Park or an easement thereon.
CD 4

Recommendation for Council action, pursuant to Motion (LaBonge - Hahn):

INSTRUCT the Department of Recreation and Parks and the City Engineer, with assistance from the City Attorney, to review the matter of a well worn path or trail on private property at 2450 Solar Drive, adjacent to Runyon Canyon Park, and to report back to the Arts, Parks, Health and Aging Committee with options and recommendations for action, including the possible acquisition of a portion of this property utilizing Proposition K or other appropriate funds; the purchase of an easement for the trail only; a long term lease; or any other feasible arrangement that would permit the general public to continue to use this trail.

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

ITEM NO. (10) - ADOPTED

03-0600 - BUDGET AND FINANCE COMMITTEE REPORT relative to cable service connections at S51 City facilities and costs associated with those connections.

Recommendation for Council action:

NOTE and FILE the Information Technology Agency report relative to cable service connections at City facilities and costs associated with those connections, inasmuch as the report is submitted for information only and no Council action is required.

Fiscal Impact Statement: Not applicable.

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

03-0600 - BUDGET AND FINANCE COMMITTEE REPORT relative to the transfer between S60 Bond/Special Funds and departments for staff reimbursements.

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

1. AUTHORIZE the Controller to increase appropriations up to \$15,269,963.21 to departments and within the various Bond, Municipal Improvement Corporation of Los Angeles (MICLA) and Special Funds, as specified in Attachment II of the City Administrative Officer (CAO) report (attached to the Council file).
2. AUTHORIZE the Department of Public Works, Office of Accounting, to transfer cash from the Bond and Special Funds to reimburse the General Fund, on an as-needed basis, upon receipt of the proper documentation from the various departments.
3. AUTHORIZE the CAO to make technical corrections as necessary to those transactions included in this report to implement the Mayor and Council intentions.

Fiscal Impact Statement: The CAO reports that funding to reimburse the General Fund by almost \$15.3 million is provided by various General Obligation Bonds, MICLA and Urban Development Action Grant special funds to offset costs associated with the City's construction programs. Of this amount, \$2.4 million will reimburse the General Fund directly for related costs and \$12.9 million will be appropriated to departments for costs associated with eligible services.

ITEM NO. (12) - ADOPTED

Roll Call #6 - Motion (LaBonge - Ludlow) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)

01-0900 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT relative to continued Quality Assurance/Quality Control work associated with the closure construction of the Toyon Canyon Sanitary Landfill.

Recommendation for Council action:

AUTHORIZE the Board of Public Works to assign the Agreement with I.T. Technologies to Shaw International, Inc., and to extend the term of the Agreement for an additional three years to May 19, 2007.

Fiscal Impact Statement: The City Administrative Officer reports that funding in the amount of \$200,000 for the first proposed amendments is currently available in the Landfill Closure and Postclosure Maintenance Trust Fund. Funds for final two years of the amended Agreement will be provided from the same funding source. There is no impact to the General Fund.

**Roll Call #2 - Motion (Labonge - Zine) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 13-16)**

ITEM NO. (13) - ADOPTED

03-1250 - PERSONNEL and BUDGET AND FINANCE COMMITTEES' REPORT relative to a hiring S59 freeze exemption for one Management Analyst I position, to be filled in-lieu by one Volunteer Coordinator position, in the Department of Animal Services.

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

EXEMPT from the hiring freeze one position of Management Analyst I, Code 9184-1, to be filled in-lieu by one position of Volunteer Coordinator, Code 2495, in the Department of Animal Services, for the duration of the one-year agreement that provides funds to offset the direct costs of the Volunteer Coordinator salary; and AUTHORIZE the backfilling of any vacancy created by filling the exempted position.

Fiscal Impact Statement: The City Administrative Officer reports that the General Fund impact of exempting this position from the hiring freeze on an annual basis is \$63,428; \$52,000 in direct salary costs and \$11,428 in related costs. The General Fund cost for the remainder of the fiscal year is \$10,572; \$8,667 in direct salary costs and \$1,905 in related costs. A total of \$52,000 in direct costs will be reimbursed to the Department of Animal Services' Salaries General account by a donation of \$52,000 to the Animal Welfare Trust Fund over the course of a 12 month period. Donated funds are unlikely to be received until Fiscal Year 2004-05. Related costs will be absorbed by the General Fund.

ITEM NO. (14) - ADOPTED

03-1165 - PUBLIC SAFETY COMMITTEE REPORT relative to the Official Police Garage (OPG)
CD 14 contract extension for Absolute Towing for the Hollenbeck Area.

Recommendations for Council action:

1. RESOLVE to APPROVE the Standard Duty Towing and Storage Services Agreement granting a four year extension of the OPG contract with Absolute Towing---Hollenbeck Division, Inc., to provide OPG services for the Hollenbeck Area.
2. AUTHORIZE the President, Board of Los Angeles Police Commissioners (Police Commission), to execute the contract.

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

ITEM NO. (15) - ADOPTED - TO THE MAYOR FORTHWITH

04-0011 - PUBLIC SAFETY and BUDGET AND FINANCE COMMITTEES' REPORT relative to Project Safe Neighborhoods grant.

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

1. AUTHORIZE the Los Angeles Police Department (LAPD) to accept funds in the amount of \$170,000 for the period of July 1, 2003 through June 30, 2005, for the Project Safe Neighborhoods Media Outreach and Community Engagement Program.
2. AUTHORIZE the Chief of Police to execute the grant agreement on behalf of the City and submit the necessary documents relative to the grant award, subject to the approval of the City Attorney as to form and legality.
3. ESTABLISH a new appropriation, Account No. V408 within Fund No. 339, Department No. 70, for the receipt and disbursement of funds from this grant.
4. AUTHORIZE the Chief of Police to negotiate and execute a Memorandum of Agreement (MOA) between the LAPD and the Los Angeles County Sheriff's Department for the period of July 1, 2003 through June 30, 2005, for a total of \$40,000, subject to the approval of the City Attorney as to form and legality.
5. AUTHORIZE the Chief of Police, or designee, to approve reimbursement payments to the Los Angeles Sheriff's Department based on submission of invoices, receipts, and other support documentation as mandated in the MOA.

Fiscal Impact Statement: The City Administrative Officer reports that the Project Safe Neighborhoods Grant will provide \$170,000 in funding for this program. No City match is required. There is no impact on the General Fund.

ITEM NO. (16) - ADOPTED - TO THE MAYOR FORTHWITH

04-0165 - PUBLIC SAFETY and BUDGET AND FINANCE COMMITTEES' REPORT relative to Law Enforcement Specialized Domestic Abuse Response Team grant.

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

1. AUTHORIZE the Chief of Police, Los Angeles Police Department (LAPD), or designee, to:
 - a. Accept the State of California Law Enforcement Specialized Units Program (LESUP) grant, in the amount of \$100,000 for the period October 1, 2003 through June 30, 2004.
 - b. Negotiate, execute, and submit the necessary documents relative to the grant award, subject to the approval of the City Attorney as to form and legality.
 - c. Release a Request for Proposal to solicit a community organization to provide crisis intervention, counseling, referrals, and follow-up associated with the grant program.
 - d. Negotiate and execute a contract with the community organization selected through the competitive bid process, subject to the approval of the City Attorney as to form and legality.
2. ESTABLISH a new appropriation, Account No. V410, within Police Department Grant Fund No. 339, Department No. 70, for receipt and disbursement of these grant funds.
3. INSTRUCT the LAPD to report back on all the Domestic Abuse Response Team programs (which division, scope of program, etc.).

Fiscal Impact Statement: The City Administrative Officer reports that the LESUP grant will provide \$100,000 in funding for this program. An additional \$33,333 is required as a City match. These costs will be a General Fund obligation, which is funded in the LAPD Fiscal Year 2003-40 salary base.

ITEM NO. (17) - CONTINUED TO JUNE 15, 2004

**Roll Call #1 - Motion (Zine - Weiss) Adopted to Continue, Unanimous Vote (10);
Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)**

03-2009 - CONTINUED CONSIDERATION OF CATEGORICAL EXEMPTION and PUBLIC WORKS CD 1 COMMITTEE REPORT relative to vacating Valencia Street between Wilshire Boulevard and Ingraham Street and the Ingraham Street Vacation District.

Recommendations for Council action:

1. FIND that this vacation is categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(3) of the City's Environmental Guidelines.

2. ADOPT the FINDINGS of the City Engineer dated February 10, 2004, as the Findings of Council.
3. ADOPT the City Engineer report dated February 10, 2004, that street vacation proceedings (VAC-E1400875) BE INSTITUTED for Valencia Street between Wilshire Boulevard and Ingraham Street and the Ingraham Street Vacation District, subject to conditions enumerated therein.

Fiscal Impact Statement: The City Engineer reports that an estimated \$3,400 in charges have been expended in the investigation and processing of this proceeding. Approximately \$6,000 will be required from the General Fund to complete these proceedings. Since Los Angeles Administrative Code Section 7.46 exempts all governmental agencies from the payment of fees, the processing of this report will be absorbed by the Bureau of Engineering.

(Continued from Council meeting of May 18, 2004)

**Roll Call #2 - Motion (LaBonge - Zine) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 18-22)**

ITEM NO. (18) - ADOPTED

04-0002 - RULES AND ELECTIONS COMMITTEE REPORT and RESOLUTION relative to allowing S99 special overseas absentee voters to submit their ballots by facsimile.

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

ADOPT the accompanying RESOLUTION that the City establish a position of SUPPORT in its 2003-04 Federal Legislative Program for Assembly Bill 2941 (Bates) to allow special overseas absentee voters, such as military personnel, to submit their ballots by facsimile.

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

ITEM NO. (19) - ADOPTED

04-0657 - RULES AND ELECTIONS COMMITTEE REPORT relative to the sale of one 1989 Ford Water Tank Truck to Pierce College for \$1.00.

Recommendations for Council action, as recommended by Motion (Zine - Perry):

1. AUTHORIZE the sale of one 1989 Ford Water Tank Truck (Equipment No. 24666) to Pierce College for the price of \$1.00.
2. FIND that the sale and transfer of said surplus equipment fulfills a humanitarian purpose, is of benefit to the City, and that the City is receiving adequate compensation for the equipment.

3. REQUEST the City Attorney to expedite preparation of the appropriate documents to effectuate the sale and transfer of the above identified surplus equipment at below market value to Pierce College, and to notify the presenter of the Motion upon completion.
4. INSTRUCT the City Clerk to inform Pierce College that the equipment must be claimed within 60 days from the date of Council approval, at which time it will revert to the City's surplus equipment pool for disposal by the Department of General Services.

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

ITEM NO. (20) - ADOPTED

04-0689 - RULES AND ELECTIONS COMMITTEE REPORT relative to the sale of one 1990 Dodge Van to Victory Outreach Harbor for \$1.00.

Recommendations for Council action, as recommended by Motion (Hahn - LaBonge):

1. AUTHORIZE the sale of one 1990 Dodge Van (Equipment No. 16487) to Victory Outreach Harbor for the price of \$1.00.
2. FIND that the sale and transfer of said surplus equipment fulfills a humanitarian purpose, is of benefit to the City, and that the City is receiving adequate compensation for the equipment.
3. REQUEST the City Attorney to expedite preparation of the appropriate documents to effectuate the sale and transfer of the above identified surplus equipment at below market value to Victory Outreach Harbor, and to notify the presenter of the Motion upon completion.
4. INSTRUCT the City Clerk to inform Victory Outreach Harbor that the equipment must be claimed within 60 days from the date of Council approval, at which time it will revert to the City's surplus equipment pool for disposal by the Department of General Services.

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

ITEM NO. (21) - ADOPTED

02-1157 - TRANSPORTATION COMMITTEE REPORT relative to the San Fernando Road Phase 1 CD 7 Bike Path Project.

Recommendation for Council action, pursuant to Motion (Padilla - Smith):

AUTHORIZE the Department of Transportation to negotiate and execute, subject to the approval of the City Attorney as to form and legality, and utilizing currently budgeted funds, a construction and maintenance agreement on behalf of the City with the Southern California Regional Rail Authority (SCRRA) delineating the specific arrangements for the design, construction, maintenance and modification of the SCRRA's existing signal system to provide additional preemption time at Roxford Street, Bledsoe Street and Polk Street and to make necessary improvements to the SCRRA's existing track structure and rail crossings for the San Fernando Road Phase 1 Bike Path project.

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

ITEM NO. (22) - MOTION ADOPTED TO APPROVE COMMITTEE REPORT AND COMMUNICATION RECOMMENDATION

02-2112 - ENVIRONMENTAL QUALITY AND WASTE MANAGEMENT COMMITTEE REPORT and COMMUNICATION FROM CHAIR and VICE CHAIR, BUDGET AND FINANCE COMMITTEE relative to a resolution for the sharing of property tax revenues to pay for sewer treatment services for properties at 1908, 1910 and 1912 Rue Le Charlene.

Recommendation for Council action:

AUTHORIZE the Board of Public Works to execute copies of the Rue Le Charlene Properties Tax Sharing Resolution with County Sanitation No. 5.

Fiscal Impact Statement: The City Administrative Officer reports there will be a very small impact on the General Fund (several cents a year).

Items for Which Public Hearings Have Not Been Held - Items 23-53
(10 Votes Required for Consideration)

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

Roll Call #12 - Motion (Garcetti - Greuel) Adopted, Ayes (13); Absent: Miscikowski and Reyes (2)

04-0370 - COMMUNICATION FROM CHAIR, and VICE CHAIR, BUDGET AND FINANCE CD2 COMMITTEE and ORDINANCE FIRST CONSIDERATION relative to the direct sale of City-owned surplus property located between 10932 Randall Street and 11050 Pendleton Street in Sun Valley.

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

1. DETERMINE that the City-owned property located between 10932 Randall Street and 11050 Pendleton Street in Sun Valley, Area Plan Number 2408-001-900 (por), is no longer required for City use and that the public interest is served by the direct sale of the property to an adjoining owner.

2. PRESENT and ADOPT the accompanying ORDINANCE providing for the sale of the property, without calling for bids, to Mari Tatevosian for \$5,000, less expenses.
3. INSTRUCT the Department of General Services to complete the transaction as outlined in the Ordinance, process the necessary documentation to effectuate the sale, and deposit the net proceeds into the appropriate Fund and Account, as directed by the Charter.

Fiscal Impact Statement: The City Administrative Officer reports there will be a one-time deposit of \$920 into the General Fund. The total cost to the buyer for the direct sale is \$6,100 (\$5,000 for the value of the property and \$1,100 in closing costs). The buyer will be credited for \$5,180 in costs to demolish the wall, resulting in net proceeds to the City of \$920.

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

**Roll Call #3 - Motion (Weiss - Smith) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 24-30)**

ITEM NO. (24) - ADOPTED

99-0005 - RESOLUTION removing the property at 1760 North Wilcox Avenue from the Rent Escrow S32 Account Program [REAP], (Case No. 2494), inasmuch as the owner has corrected the CD 13 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 May 25, 2004. Assessor I.D. No. 5546-006-014
Registration No. None

(Council action of April 14, 1999 placed property into REAP)

ITEM NO. (25) - ADOPTED

04-0005 - RESOLUTION removing the property at 11817-19 1/2 Hart Street from the Rent Escrow S202 Account Program [REAP], (Case No. 4637), 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 May 25, 2004. Assessor I.D. No. 2321-007-003
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on December 20, 2001)

ITEM NO. (26) - ADOPTED

04-0005 - RESOLUTION removing the property at 1938 Park Grove Avenue from the Rent Escrow
S203 Account Program [REAP], (Case No. 5393), inasmuch as the owner has corrected the
CD 1 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 May 25, 2004. Assessor I.D. No. 5124-018-016
Registration No. 7106438

(Notice of Acceptance into the REAP/Rent Reduction Program was released on
May 30, 2002)

ITEM NO. (27) - ADOPTED

04-0005 - RESOLUTION removing the property at 221 Lake Shore Terrace from the Rent Escrow
S204 Account Program [REAP], (Case No. 6396), inasmuch as the owner has corrected the
CD 13 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 May 25, 2004. Assessor I.D. No. 5159-017-005
Registration No. None

(Notice of Acceptance into the REAP/Rent Reduction Program was released on
March 4, 2003)

ITEM NO. (28) - ADOPTED

04-0005 - RESOLUTION removing the property at 1435 South Hayworth Avenue from the Rent
S201 Escrow Account Program [REAP], (Case No. 6763), inasmuch as the owner has corrected
CD 10 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 May 25, 2004. Assessor I.D. No. 5068-017-009
Registration No. None

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

ITEM NO. (29) - ADOPTED

04-0005 - RESOLUTION removing the property at 9435-41 South Western Avenue from the Rent
S205 Escrow Account Program [REAP], (Case No. 7287), inasmuch as the owner has corrected
CD 8 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 May 25, 2004. Assessor I.D. No. 6057-011-010
Registration No. None

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

ITEM NO. (30) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS

04-0162 - COMMUNICATION FROM CHAIR, and VICE CHAIR, BUDGET AND FINANCE COMMITTEE relative to a transfer of funds to the Affordable Housing Trust Fund (AHTF).

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

1. TRANSFER \$300,000 from the General Fund, Fund No. 100, to the AHTF, Fund No. 44G, and APPROPRIATE this amount to Fund No. 44G, Account V211, Housing Development.
2. AUTHORIZE the General Manager, Los Angeles Housing Department, or designee, to prepare any Controller instructions or make technical adjustments consistent with the Council action on this matter, subject to the review of the City Administrative Officer (CAO), and AUTHORIZE the Controller to implement these instructions.

Fiscal Impact Statement: The CAO reports that General Funds in the amount of \$300,000 will be transferred to the City's AHTF. These funds are a portion of a \$1 million settlement between the City and CitiMortgage regarding 14 nuisance properties in the City.

**ITEM NO. (31) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS
- TO THE MAYOR FORTHWITH**

Roll Call #15 - Motion (Garcetti - Weiss) Adopted, Ayes (13); Absent: Miscikowski and Reyes (2)

04-0995 - COMMUNICATION FROM THE DEPARTMENT OF GENERAL SERVICES (GSD) and CD 13 THE MUNICIPAL FACILITIES COMMITTEE (MFC) relative to a lease of the Public Storage facility at Verdugo Road and Eagle Rock Boulevard for a Glassell Park Field Office and Community Center.

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

1. AUTHORIZE the GSD to negotiate and execute a new lease for Council District 13 under the terms and conditions substantially as listed in the GSD and MFC report, dated May 6, 2004, and attached to the Council file.
2. AUTHORIZE a transfer of funds from the Unappropriated Balance of the General Fund to reimburse GSD's 6030 Leasing Account.

Fiscal Impact Statement: The GSD reports that the City will be responsible for utilities (\$10,585 annual cost), maintenance and repairs (\$4,140 annual cost), and a one time communications cost of \$14,115.

(Budget and Finance and Information Technology and General Services Committees waived consideration of the above matter)

ITEM NO. (32) - ADOPTED - FORTHWITH

Roll Call #7 - Motion (LaBonge - Greuel) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)

04-1001 - CONSIDERATION OF MOTION (LABONGE - GREUEL) relative to the development of a CD 4 "joint-use area" with the Los Angeles Unified School District (LAUSD) adjacent to 11480 Tiara Street in North Hollywood.

Recommendations for Council action:

1. DIRECT staff and REQUEST the City Attorney to execute the appropriate documents and agreements needed to accomplish:
 - a. The creation of a joint-use area adjacent to the existing North Hollywood Administration and Service Center.
 - b. A lease of approximately 0.18 acre of the LAUSD property to the City, next to City-owned property, in order to enhance the development of a new facility for the Department of Recreation and Parks.
2. ADOPT the addendum to the final initial study/Mitigated Negative Declaration prepared for the new North Hollywood Elementary School No. 3 as the City's environmental clearance for this project, pursuant to the City guidelines under the California Environmental Quality Act.
3. ADOPT the amended mitigation monitoring program found in section five of the addendum to the Mitigated Negative Declaration.

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

ITEM NO. (33) - ADOPTED

Roll Call #9 - Motion (Hahn - Greuel) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)

00-1073 - CONSIDERATION OF MOTION (HAHN - GREUEL) relative to the purchase, installation S22 and related services for five Flash Cam-530 Vandalism Deterrent Systems in Council 15. CD 15

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

AMEND Motion (Hahn - Smith), Council file No. 00-1073-S22, adopted by Council on January 28, 2004, to substitute the following recommendations in lieu of the previously adopted recommendations:

- a. Authorize the Board of Public Works to execute an amendment to the contract between the City and the Gang Alternatives Program (GAP) to permit the purchase, installation and related services for five security cameras "Flash Cam" vandalism deterrent systems in Council District 15, subject to City Attorney approval as to form and legality.

- b. Authorize the Controller to transfer \$23,574.60 from the Council District 15 account of the Street Furniture Revenue Fund No. 43 D, Department 50, to Fund 100, Department No. 74 (Board of Public Works) Account No. 3040 (Contractual Services).

(Public Works Committee waived consideration of the above matter)

**Roll Call #3 - Motion (Weiss - Smith) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 34-48)**

ITEM NO. (34) - ADOPTED

04-0481 - CONSIDERATION OF MOTION (VILLARAIGOSA - REYES) relative to expending \$4,980 CD 14 for Hermon Neighborhood Association 100th Anniversary Celebration street banners.

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

AUTHORIZE the expenditure of \$4,980 for the Hermon Neighborhood Association 100th Anniversary Celebration street banners from Department of Public Works, Department 50 (Non-Department appropriation to Specific Purpose), Fund 43D (Street Furniture Revenue Fund), Appropriation Account S14D.

(Public Works Committee waived consideration of the above matter)

ITEM NO. (35) - ADOPTED

01-1856 - MOTION (GARCETTI - LABONGE) relative to Special Event declaration for the Silver CD 13 Lake Farmers' Market.

Recommendation for Council action:

RE-AFFIRM the action of January 23, 2004 (Council File No. 01-1856) relative to the Special Event declaration for the Silver Lake Farmers' Market and RE-ADOPT the fee waiver, street closure, and all other departmental instructions contained therein for an additional three year period from the date of the expiration of the current declaration (June 30, 2004).

ITEM NO. (36) - ADOPTED

04-1024 - MOTION (PARKS - ZINE) relative to declaring the Harvard/Century Block Club's annual CD 8 block party on July 17, 2004 a Special Event (fees and costs absorbed by the City = \$312).

Recommendation for Council action:

DECLARE the Harvard/Century Block Club's Annual block party, sponsored by the Harvard/Century Block Club on July 17, 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. (37) - ADOPTED

04-1025 - MOTION (PARKS - ZINE) relative to declaring the Annual Community Block Party and
CD 8 Barbeque on May 29, 2004 a Special Event (fees and costs absorbed by the City = \$312).

Recommendation for Council action:

DECLARE the Annual Community Block Party and Barbeque, sponsored by the Power of Love Christian Fellowship along with the Normandie Halldale Neighborhood Association on May 29, 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. (38) - ADOPTED

04-1026 - MOTION (VILLARAIGOSA - REYES) relative to declaring the Seventh Annual Latino Male
CD 14 Health Fair on June 19, 2004 a Special Event (fees and costs absorbed by the City = \$1,712).

Recommendation for Council action:

DECLARE the Seventh Annual Latino Male Health Fair, sponsored by the Bienvenidos Children's Center on June 19, 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 AND application requirements.

ITEM NO. (39) - ADOPTED

02-1366 - MOTION (VILLARAIGOSA - REYES) relative to declaring the Ecuadorian Independence
CD 14 Day Parade on August 8, 2004 a Special Event (fees and costs absorbed by the City = \$6,228).

Recommendation for Council action:

DECLARE the Ecuadorian Independence Day Parade, sponsored by the Ecuador 2000 on August 8, 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 AND application requirements.

ITEM NO. (40) - ADOPTED

04-1027 - MOTION (SMITH - PARKS) relative to declaring the Canoga Park Elks Lodge Annual Car
CD 12 Show on June 12, 2004 a Special Event (fees and costs absorbed by the City = \$2,544).

Recommendation for Council action:

DECLARE the Canoga Park Elks Lodge Annual Car Show, sponsored by the Canoga Park Elks Lodge No. 2190 on June 12, 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 AND application requirements.

ITEM NO. (41) - ADOPTED

01-1249 - MOTION (PERRY - PARKS) relative to declaring the Shakespeare Festival on June 30, 2004 to July 18, 2004 a Special Event (fees and costs absorbed by the City = \$115,271).
CD 9

Recommendation for Council action:

DECLARE the Shakespeare Festival, sponsored by the Cultural Affairs Department, the Department of Recreation and Parks and Council District Nine on June 30, 2004 to July 18, 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 AND application requirements.

ITEM NO. (42) - ADOPTED

04-1029 - MOTION (PERRY - PARKS) relative to declaring the Educational Fire Safety Day on June 26, 2004 a Special Event (fees and costs absorbed by the City = \$1,226).
CD 9

Recommendation for Council action:

DECLARE the Educational Fire Safety Day, sponsored by the St. Francis Center on June 26, 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 AND application requirements.

ITEM NO. (43) - ADOPTED

04-1030 - MOTION (PARKS - PERRY) relative to declaring the Freedom Family Reunion Weekend on June 19-20, 2004 a Special Event (fees and costs absorbed by the City = \$1,000).
CD 8

Recommendation for Council action:

DECLARE the Freedom Family Reunion Weekend, sponsored by the Congress for Racial Equality on June 19-20, 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. (44) - ADOPTED

04-1031 - MOTION (PARKS - PERRY) relative to declaring the First Annual Angeles Mesa Library
CD 8 Cook-Off on June 12, 2004 a Special Event (fees and costs absorbed by the City = \$312).

Recommendation for Council action:

DECLARE the First Annual Angeles Mesa Library, sponsored by the Friends of Angeles Mesa Library on June 12, 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. (45) - ADOPTED

03-1452 - MOTION (PARKS - PERRY) relative to declaring the Second Annual "Vision Outside" Jazz
CD 8 Festival at Leimert Park and Fireworks Show at the Los Angeles Memorial Coliseum on July 4, 2004 a Special Event (fees and costs absorbed by the City = \$5,500).

Recommendation for Council action:

DECLARE the Second Annual "Vision Outside" Jazz Festival at Leimert Park and Fireworks Show at the Los Angeles Memorial Coliseum, sponsored by the Council Districts Eight, Nine, 10 and 15 and with the Fireworks show co-sponsored by the Cultural Affairs Department on July 4, 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. (46) - ADOPTED

04-1032 - MOTION (PERRY - PARKS) relative to declaring the MusED Dance Program on June 19,
CD 9 2004 a Special Event (fees and costs absorbed by the City = \$1,226).

Recommendation for Council action:

DECLARE the MusED Dance Program, sponsored by MusED and Miss Monica's Dance School on June 19, 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. (47) - ADOPTED

04-1028 - MOTION (PERRY - PARKS) relative to a request for an exemption from the Convention
Center fee waiver policy for the Gang Prevention Summit on June 17, 2004 sponsored by the Human Relations Commission.

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

1. FIND that the event, sponsored by the Human Relations Commission, serves a public purpose in that it will provide valuable information to 500 community members regarding gang prevention.
2. AUTHORIZE the General Manager, Convention Center, to make an exception to the Council's Convention Center waiver policy by waiving a maximum of \$1,742.96 in room rental fees for this event.
3. INSTRUCT all concerned departments that should unforeseen circumstances change the actual date of the Special Event, the aforementioned departmental instructions continue to apply.

ITEM NO. (48) - ADOPTED - TO THE MAYOR FORTHWITH

04-0010 - MOTION (MISCIKOWSKI - PARKS) relative to reinstating the reward offer in the death of S4 Ms. Kari Lynn Lenander for an additional 60 days.

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

REAFFIRM Council's findings and REINSTATE the reward offer relative to the death of Ms. Kari Lyn Lenander (Council action of January 28, 2004, Council file No. 04-0010-S4) for an additional period of 60 days from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of \$50,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (49) - CONTINUED TO JUNE 2, 2004

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

04-0943 - CONTINUED CONSIDERATION OF MOTION (PARKS - MISCIKOWSKI) relative to transferring funds to pay for overtime to comply with the federal Fair Labor Standards Act.

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

1. AUTHORIZE the City Administrative Officer (CAO) to provide instructions to the Controller to transfer up to \$5 million from the Reserve Fund to various Departments, as well as within Departmental accounts, to pay down overtime.
2. INSTRUCT the CAO to report back on the exact amounts of the transfers in the 2003-04 Year End Financial Status Report.
3. INSTRUCT the CAO to present the necessary recommendations to reflect this change as part of the Council's 2004-05 Budget deliberations.

(Continued from Council meeting of May 25, 2004)

**Roll Call #3 - Motion (Weiss - Smith) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)
(Item Nos. 50-53)**

ITEM NO. (50) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

02-0782 - FINAL MAP OF TRACT NO. 53365 for property lying easterly of Telfair Avenue and southerly of Wicks Street.
CD 6
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-106547)
(Quimby Fee: \$12,0690)
Applicants: Yehuda Beneira
Thomas Iacobellis

ITEM NO. (51) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-1039 - FINAL MAP OF TRACT NO. 52049 for property lying northerly of 111th Place and easterly of Wadsworth Avenue.
CD 15
(ADOPT City Engineer Report)
Applicants: City of Los Angeles
Psomas

ITEM NO. (52) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-1035 - PARCEL MAP L.A. NO. AA-2002-6273-PMLA lying northerly of Chatsworth Street at the northerly terminus of Limerick Avenue.
CD 12
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-106546)
(Quimby Fee: \$6,056)
Applicants: Village Homes Corporation
Robert Kameoka

ITEM NO. (53) - MAP APPROVED - CITY ENGINEER REPORT ADOPTED

04-1036 - PARCEL MAP L.A. NO. 2003-6884 lying westerly of Avenida Hacienda and southerly of Ventura Boulevard.
CD 3
(Approve Subdivision Improvement Agreement and Contract with attached security documents)
(ADOPT City Engineer Report)
(ADOPT Bond No. C-106545)
(Quimby Fee: \$4,542)
Applicants: Shawn Evenhaim/New Homes 2000 LLC
Robert Kameoka

Closed Session - Item 54

ITEM NO. (54) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #16 - Motion (Parks - Garcetti) Adopted in Open Session, Ayes (12); Absent: LaBonge, Miscikowski and Reyes (3)

02-1706 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 case entitled City v. Manchester Maine, Etc., et al., Los Angeles Superior Court Case No. BC 295353. (This is a proposed settlement of an eminent domain acquisition of real property, located at 10811 South Main Street and certain adjoining parcels on 108th and 109th Streets, for construction of the Fire Station No. 64 Improvement Project.)

(Budget and Finance Committee considered the above matter in Closed Session on May 20, 2004. Public Works Committee waived consideration of the above matter.)

ADOPTED

MOTION (PARKS - GARCETTI)

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

1. AUTHORIZE the City Attorney to expend \$4,050,000, plus statutory interest and statutory costs, in settlement of the case entitled City v. Manchester Maine, Etc., et al., Los Angeles Superior Court Case No. BC 295353, from Proposition F Fire Facilities Bond Funds, Fund No. 15H, Account No. S316, Fiscal Year: 2002.
2. AUTHORIZE the Bureau of Engineering to draw demands thereon as follows:
 - a. \$1,336,733.30 (the total of the settlement of \$3,500,000, less the funds on deposit with the Court of \$2,165,000, plus statutory interest of \$1511.90 through June 15, 2004, plus statutory costs of \$221.40), payable to Graham, Vaage & Cisneros, Client Trust Account.
 - b. \$510,963.73 (the total of the principal of \$505,000, statutory interest of \$5,697.23 through June 15, 2004, and statutory costs of \$266.50), payable to Sullivan, Workman & Dee, Client Trust Account.
3. INSTRUCT the Bureau of Engineering to transmit said demands to the Office of the City Attorney, attention: Scott Weible, Deputy City Attorney, Real Property/Environmental Division, 200 North Main Street, 700 City Hall East, Los Angeles.
4. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement said instructions.

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski - Cardenas - Garcetti - Smith "yes") at its meeting of May 20, 2004, in Closed Session as permitted by Government Code Section 54956.9(a). The Public Works Committee waived consideration of the above matter.)

Items for Which Public Hearings Have Not Been Held - Items 55-56

(10 Votes Required for Consideration)

ITEM NO. (55) - MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

Roll Call #8 - Motion (LaBonge - Smith) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)

04-0002 - COMMUNICATION FROM THE MAYOR AND THE COUNCIL PRESIDENT relative to the S106 Metropolitan Transportation Authority (MTA) Governance Councils.

Recommendation for Council action:

CONCUR with the action of the Mayor and the Council President relative to a Resolution establishing in the City's 2003-04 Legislative Program a position to:

- a. URGE the MTA to refrain from taking any action that would have the effect of reducing the independence and effectiveness of the MTA Governance Councils.
- b. ENCOURAGE the City's representatives on the MTA Board to vote against any MTA Board action that would have the effect of reducing the independence and effectiveness of the Governance Councils.

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

[Legislative Urgency Positions calendared pursuant to Los Angeles Administrative Code Section 2.19(d)]

ITEM NO. (56) - ADOPTED - TO THE MAYOR FORTHWITH

Roll Call #4 - Motion (LaBonge - Smith) Adopted, Ayes (10); Absent: Miscikowski, Parks, Perry, Reyes and Villaraigosa (5)

04-1061 - MOTION (PARKS - SMITH) relative to appropriating funds to allow the Bureau of Sanitation (Bureau) to meet its Pay Period 24 payroll.

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

APPROPRIATE \$1.0 million from the Unappropriated Balance (Fund 100, Department 58) Reserve for Economic Uncertainties to Fund 100, Department 82 (Sanitation), Account 1090 (Salaries, Overtime), to allow the Bureau to meet its Pay Period 24 payroll.

Closed Sessions - Items 57-58

ITEM NO. (57) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #17 - Motion (Parks - Garcetti) Adopted in Open Session, Ayes (10); Noes: Parks and Smith (2); Absent: LaBonge, Miscikowski and Reyes (3)

01-0786 - 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 case entitled Johnny Baltazar v. City of Los Angeles, Los Angeles Superior Court Case No. BC 209476. (Plaintiff alleges he was subjected to racial discrimination, racial harassment and retaliation during his employment with the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on May 20, 2004 - continued from Council meeting of May 28, 2004)

ADOPTED

MOTION (PARKS - GARCETTI)

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

1. AUTHORIZE the City Attorney to expend \$850,000 in settlement of the case entitled Johnny Baltazar v. City of Los Angeles, Los Angeles Superior Court Case No. BC 209476, from Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw three demands payable as follows:
 - a. \$557,600 payable to Johnny Baltazar
 - b. \$148,750 payable to Waddington & Associates
 - c. \$143,650 payable to Ross, Rose & Hammill, LLP

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski "yes; Cardenas - Garcetti - Smith "absent") at its meeting of May 20, 2004, in Closed Session, as permitted by Government Code Section 54956.9(a).

ITEM NO. (58) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #18 - Motion (Parks - Garcetti) Adopted in Open Session, Ayes (11); Noes: Zine (1); Absent: LaBonge, Miscikowski and Reyes (3)

04-0936 - 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 case entitled Judy Matthews, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 290416. (This case arises out of a Los Angeles Police Department officer involved shooting during a traffic stop, on June 11, 2002.)

(Budget and Finance Committee considered the above matter in Closed Session on May 20, 2004 - continued from Council meeting of May 28, 2004)

ADOPTED

MOTION (PARKS - GARCETTI)

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

- 1. AUTHORIZE the City Attorney to expend \$1,250,000 in settlement of the case entitled Judy Matthews, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 290416, from the Liability Claims Account No. 9770, Fund 100, Department 59.**

- 2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Carl E. Douglas, Judy Matthews and Don Matthews.**

This matter was approved by the Budget and Finance Committee (Parks - Miscikowski "yes"; Cardenas - Garcetti - Smith "absent"), at its meeting of May 20, 2004, in Closed Session as permitted by Government Code Section 54956.9(a).

MOTION ADOPTED UPON FINDINGS BY COUNCIL THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THE COUNCIL AGENDA FOR TUESDAY, JUNE 1, 2004, PURSUANT TO GOVERNMENT CODE SECTION 54954.2(b)(2) AND COUNCIL RULE 23

ADOPTED - FORTHWITH

- Roll Call #13 - Motion (Hahn - Zine - LaBonge) Findings on Need to Act - Adopted, Ayes (13);
Absent: Miscikowski and Reyes (2)**
- Roll Call #14 - Motion (Ludlow - Weiss) Adopted to Refer, Unanimous Vote (13);
Absent: Miscikowski and Reyes (2)**

**04-0002 - RESOLUTION (HAHN - ZINE - LABONGE) relative to efforts to alter the County Seal.
S110**

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

URGE the County Board of Supervisor to resist efforts to alter the County Seal and to aggressively protect and defend the county's seal if litigation is brought by the American Civil Liberties Union.

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

03-1250 - MOTION (ZINE - PARKS - PADILLA for MISCIKOWSKI) relative to exempting one position of Executive Director, Board of Police Commissioners from the hiring freeze.

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

04-0002 - RESOLUTION (LABONGE - HAHN) relative to supporting AB 1799 (Mullin) to allow the S108 California Alzheimer's Disease and Related Disorders Research Fund to remain on the income tax form.

COUNCILMEMBERS' REQUESTS FOR EXCUSE FROM COUNCIL MEETINGS

Upon his request, and without objections, Councilmember Reyes was excused from Council session of Tuesday, June 1, 2004 due to Personal business.

Upon his request, and without objections, President Padilla was excused from Council session of Wednesday, June 2, 2004 due to City business.

COMMENDATORY RESOLUTION ADOPTED IN HONOR OF:

04-0606 - Alfred Pinnaro (Smith - Zine)

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

- 04-0607 - David Dellinger (Garcetti)
- Brian K. Butler, Jr. (Parks - Ludlow - Perry)
- Melvin Deonte' Knowles (Parks - Perry)
- Carl Blum (Zine)
- Logan McMillan (Greuel)

Ayes, Cardenas, Garcetti, Greuel, Hahn, Ludlow, Parks, Perry, Smith, Villaraigosa, Weiss, Zine and President Padilla (12); Absent: LaBonge, Miscikowski and Reyes (3).

Whereupon the Council did adjourn.

ATTEST: J. Michael Carey, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL